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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
OCT 16 1995
J. T. NOBLE CLERK
BY _____

CLAIRE MYERS,
by and through her
next best friend
Charlotte Myers,
ANGELA WILLIS,
by and through her
next best friend
Clara Maxine Rounds,
and OLIVER LEE,
by and through his
next best friend
Angela Lee,
on behalf of themselves
and all other persons
similarly situated.

PLAINTIFFS

vs.

CIVIL ACTION NO. 3:94cv185LN

STATE OF MISSISSIPPI,
OFFICE OF THE GOVERNOR,
DIVISION OF MEDICAID
and HELEN WETHERBEE
in her Official Capacity
as the Executive Director
of the Division of Medicaid

DEFENDANTS

ORDER CORRECTING FINAL JUDGMENT

This cause is before the Court on the Motion of Plaintiffs to correct the Final Judgment and Memorandum Opinion entered on June 23, 1995. Having been informed of the premises that this action was certified as a class on July 26, 1994, the Court finds that the Motion is supported by good cause and should be granted.

THEREFORE, IT IS ORDERED AND ADJUDGED that:

1. The permanent injunctive relief granted by the Final Judgment enjoining defendants "from administering the Mississippi Medicaid program under the presumption that AAC devices [Augmentative Communication Devices] are not medically necessary

for persons with severe expressive communication disabilities who are unable to effectively communicate through verbal or other means" shall apply to both the named Plaintiffs and Class Members

2. The statement in the Memorandum Opinion and Order "[a] judgment only in favor of these individual plaintiffs shall be entered; any effort of plaintiff to make this a class action or apply this ruling to the facts of persons other than these plaintiffs is denied" shall not be construed inconsistently with the permanent injunction prohibiting the presumption that AAC device are not medically necessary referred to in the above paragraph.

SO ORDERED, this the 16th day of October, 1995.

Alfred L. Tricola, Jr.
UNITED STATES MAGISTRATE JUDGE

Prepared by:
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