

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

	)	
S. D., Y.M through her mother and	)	
guardian, J.M, S.R., K.D., S.D., C.B and	)	
M.R., on behalf of themselves and all	)	
other similarly situated individuals,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.:
	)	Class Action
<b>PAUL R. LEPAGE</b> , in his official capacity )	)	
as Governor, State of Maine,	)	
	)	
and	)	
	)	
<b>RICKER HAMILTON</b> , in his official )	)	
capacity as Acting Commissioner,	)	
Maine Department of Health and )	)	
Human Services,	)	
	)	
Defendants.	)	

**COMPLAINT**

**INJUNCTIVE RELIEF SOUGHT**

I. INTRODUCTION

1. Due to a state budget impasse, the Defendants, Governor Paul R. LePage and Acting Commissioner Ricker Hamilton of the Maine Department of Health and Human Services (DHHS), while maintaining some state services, such as state parks, have decided to shut down effective July 1, 2017 the state’s public assistance programs that serve over 450,000 individuals most of whom are elderly, disabled, or children and all without sufficient resources to meet their basic needs for food, health care and other necessities. This decision not only is causing and will

cause severe and irreparable harm to the Plaintiffs, but it is also unlawful. Under federal law, once having opted to participate in federal public assistance programs, the state is legally bound to comply with certain federal requirements, including the timely processing of applications and the timely provision of assistance to eligible persons. Indeed, the federal government pays, for example, 100% of the costs of the TANF program, 100% of the benefits paid under the Food Supplement program and between 64% and 98% of the benefits paid under the MaineCare program. Accordingly, the named Plaintiffs bring this action on behalf of themselves and tens of thousands of similarly situated individuals, seeking immediate and permanent injunctive relief in order to maintain these essential services to vulnerable Maine people.

## II. JURISDICTION AND VENUE

2. Jurisdiction is conferred on this Court by 28 U.S.C. § 1331, which provides for original jurisdiction over all civil suits involving questions of federal law, and by 28 U.S.C. § 1343(3) and (4), which grants this Court original jurisdiction in all actions authorized by 42 U.S.C. § 1983 to redress the deprivation under color of State law of any rights, privileges, or immunities, guaranteed by the U.S. Constitution and Acts of Congress.

3. Plaintiffs seek class-wide declaratory, injunctive and other appropriate relief, pursuant to 28 U.S.C. §§ 2201 and 2202; Fed. R. Civ. P. 23, 57, and 65; 42 U.S.C. § 1983 and pursuant to the Supremacy Clause of the United States Constitution.

4. Venue is proper under 28 U.S.C. § 1391(e).

## III. PARTIES

5. Plaintiff Y.M. is an adult under guardianship, and who resides in the Town of Surry, County of Hancock, in the State of Maine. She is severely disabled and her only source of income is \$735 a month in federal Supplemental Security Income (SSI). Her money goes to pay her on-going living expenses. She has no savings or other sources of income or assets with

which to pay for her medical or other expenses. Due to her disability, she has prescription drug costs which exceed \$2000 per month. Currently, MaineCare pays for those prescription drug costs. She is due to refill one prescription in mid-July that has a retail cost of approximately \$1600. Without the medication, her health would be placed at severe risk. Her legal guardian is J. M. who brings this action on her behalf.

6. Plaintiff S. D. lives in the Town of Mexico, County of Oxford, State of Maine. Her sole source of income is from SSI in the amount of \$735 per month. She also gets \$133 a month in Food Supplement benefits and she receives MaineCare. She is a Type 1 diabetic who relies on an insulin pump, which without MaineCare would cost her \$900 per month. Without MaineCare, she would not be able to go to her medical appointments or afford her insulin pump or supplies and therefore would soon end up at the hospital emergency room, with her health put at grave risk. She has a medical appointment in July with her family doctor and in August with her endocrinologist. She needs to keep these appointments to ensure that she is managing her care and to make sure that her doctors submit the paperwork to MaineCare to prior authorize her insulin pump and supplies. Without Food Supplement benefits, she will have to go to the food pantry. The food pantry often has high carbohydrate foods that make it harder for her to manage her diabetes. Even with Food Supplement benefits, she sometimes goes hungry. Without these benefits, she would be unable to feed herself and keep her blood sugar stable. Finally, without MaineCare and Food Supplement benefits, she would have to choose between her housing and her health care, and even if she rented out her house, it wouldn't be enough to cover her full medical costs and would be homeless.

7. Plaintiff S.R. lives in the Town of Belgrade, County of Kennebec, in the State of Maine. She is disabled and receives a total of \$1448 per month in Social Security Disability and Maine State Retirement benefits. She has Medicare for her primary insurance, but she also has

MaineCare in what is called the Medicare Savings Program which pays for her Medicare Part A and B deductibles and co-insurance, her Part B monthly premium and she receives Medicare Part D prescription drug coverage and only has nominal co-payments for drugs. Without the help that MaineCare provides, she would not be able to afford to pay for health coverage. She has recurrent skin cancer and is scheduled to go to a medical appointment on July 12, 2017 to have her skin cancer treated. She does not want to postpone this appointment since she is worried that the cancer will get worse if she delays her treatment. Without knowing if MaineCare will pay for her Medicare Part B co-insurance for the medical appointment, she cannot afford to go to her medical appointments since she cannot afford the co-insurance.

8. Plaintiff K.D. resides with her 4 year-old daughter in the Town of East Madison, County of Somerset, State of Maine. Plaintiff is self-employed in the jewelry business, but that business has seen a significant slow-down in the past month or so. Due to the downturn in her business, K.D. reapplied on June 22, 2017 for Food Supplement and TANF benefits. She and her daughter have MaineCare. However, K.D. has a medical condition (hiatal hernia) that causes her great pain and discomfort. K.D. is scheduled to undergo some medical testing in July and will likely have surgery in August. Without MaineCare, she cannot afford the testing or the surgery and will have to delay them. K.D. is also without the income or assets to pay for her everyday living expenses, including rent, utilities, food, transportation, child care, etc. Although she was told that she will get about \$80 in Food Supplement benefits for June and about \$80 for TANF benefits for June, she has not yet received that assistance and it is not known how much assistance in July she will receive. Currently, K.D. only has about \$40 in savings and about \$40 on her Food Supplement card. Without the help that TANF and Food Supplement can provide, including child care paid for through TANF, she will likely have to close her business, will lose her housing and she and her daughter will be homeless.

9. Plaintiff S.D. lives in the City of Augusta, County of Kennebec, State of Maine with her husband and their 3 minor children. S.D. works full time, but due to her income and household size, she qualifies for and receives \$404 a month in Food Supplement benefits. S.D. has no savings and no other sources with which to pay for her family's monthly food. S.D. does not know what she and her family will do if they do not get their Food Supplement benefits. She assumes that she will go to the food bank and that she and her husband will go without some meals to make sure that their children can eat.

10. Plaintiff C.B. lives in the City of Portland, County of Cumberland, State of Maine. He applied for Food Supplement benefits in the first week of June, 2017 but has not yet received a decision on his application or any benefits. His sole source of income is \$883 a month in Social Security Disability benefits. This amount of income is not sufficient to meet his daily living expenses. Sometimes he must go to the soup kitchen and the local food bank to get help with food and groceries. However, he has recently moved further away from those sites which will make it difficult to continue to receive assistance there. There are times when C.B. goes without meals either because he does not have the money or cannot get to the soup kitchen.

11. Plaintiff M.R. lives in the City of Portland, County of Cumberland, State of Maine. He recently had to quit his job due to a health condition. M.R. applied for Food Supplement benefits last week. He has not received a decision. He has no income and has just enough savings to pay his July rent. Currently, he is using the Preble Street soup kitchen and the food pantry as his source of food. It is barely enough to get by. With Food Supplement benefits, he would be able to meet his needs for food.

12. Defendant Ricker Hamilton is the Acting Commissioner of the Maine Department of Health and Human Services (DHHS) and is responsible for administering the Department's programs consistent with federal law, including the Medicaid title of the Social

Security Act, as well as the Supplemental Nutrition Assistance Program (SNAP) and the Transitional Assistance for Needy Families (TANF) program. His actions herein were done under color of state law and he is sued only in his official capacity.

13. Defendant Paul LePage is the Governor of the State of Maine and is responsible for the overall management of the fiscal and operations of the Executive branch, including the Department of Health and Human Services. He is responsible for ensuring that Maine DHHS complies with federal law. He has determined that the on-going operation of the TANF, Food Supplement, and Medicaid programs are not “essential services” to be maintained during the state budget impasse, whereas he has determined that other state services will remain in operation during the budget impasse. His actions herein were done under color of state law and he is sued only in his official capacity.

#### IV. CLASS ACTION ALLEGATIONS

14. Pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure, the Plaintiffs bring this case as a class action, with the class defined as:

All recipients of and applicants for Medicaid, SNAP and/or TANF in the State of Maine who, on or after July 1, 2017, have not or will not receive a timely decision on their application for benefits or, for those who have been found eligible for assistance, will not receive such assistance when due.

15. The class is so numerous that joinder of all members is impracticable. Based on information reported by the Maine Department of Health and Human Services, there are approximately 270,000 current recipients of Medicaid benefits, see <https://www.medicaid.gov/medicaid/program-information/medicaid-and-chip-enrollment-data/report-highlights/index.html>, over 180,000 current Food Supplement recipients, see <https://www.fns.usda.gov/sites/default/files/pd/29SNAPcurrPP.pdf> and over 3,500 current TANF households, comprised of about 7,500 individuals, of which about 5,400 are children.

See, [https://www.acf.hhs.gov/sites/default/files/ofa/2017\\_monthly\\_tan.pdf](https://www.acf.hhs.gov/sites/default/files/ofa/2017_monthly_tan.pdf) . There are approximately 3000 people each month in the State of Maine who apply for one or more of these programs.

16. There are questions of law and fact common to the class, including whether Defendants have failed to timely process applications within federal requirements, whether benefits have been provided within federal timeliness requirements, and whether notices of termination of benefits have been provided in compliance with federal requirements.

17. The claims of the Plaintiffs are typical of those asserted on behalf of the class because the Plaintiffs and the class challenge a common set of state policies and practices, such as whether the Defendants are in violation of federal law, and it is anticipated that Defendants will assert similar defenses as to the individual Plaintiff and class members.

18. Plaintiffs will fairly and vigorously represent the interests of unnamed class members, and all members of the proposed class will benefit from the efforts of the Plaintiffs.

19. Plaintiffs and the proposed class are represented by Maine Equal Justice Partners and the law firm of Johnson, Webbert and Young, LLP, whose attorneys are experienced in class action litigation and will adequately represent the class.

20. Defendants, their agents, employees, and predecessors and successors in office have acted or will act on grounds that apply generally to the class, thereby making injunctive or declaratory relief appropriate for the class as a whole.

## V. LEGAL FRAMEWORK

### Medicaid

21. Title XIX of the Social Security Act establishes Medicaid, a program jointly funded by the federal government and participating states, that provides medical assistance in the

form of health care coverage to specific categories of low-income individuals. 42 U.S.C. § 1396-1396w-5.

22. The Medicaid program is implemented federally by the United States Department of Health and Human Services (HHS). Within HHS, the Centers for Medicare & Medicaid Services (CMS) is responsible for administration of the Medicaid program.

23. State participation in Medicaid is optional. States choosing to participate receive federal matching funds for their Medicaid program expenditures and must comply with the requirements of the federal Medicaid Act. 42 U.S.C. § 1396, et. seq.; 42 C.F.R. §§ 430-484.

24. Maine participates in Medicaid, calling its program “MaineCare.” 22 M.R.S. § 3173.

25. The Maine Department of Health and Human Services (DHHS) is the single state agency in the State of Maine that administers the MaineCare (Medicaid) program.

26. To qualify for Medicaid, individuals must meet complex eligibility rules. For example, an individual must be within one of the covered groups, such as elderly, disabled, or pregnant; must meet financial eligibility standards (income and asset limits); must comply with other rules, such as rules regarding residency, citizenship and immigration status; and must comply with procedural rules, including those relating to verification of eligibility.

27. Medicaid provides critical health care coverage to eligible individuals, including a range of federally “mandatory services”, including physician and hospital services; laboratory and x-ray services; Early Periodic Screening, Diagnostic and Treatment (EPSDT) services for children under 21; and nursing home services for adults over age 21. Maine has also chosen to cover other “optional services”, such as prescription drugs, dental and vision care, and hearing aids. Federal Medicaid law requires that states provide “for granting an opportunity for a fair



hearing before the State agency to any individual whose claim for medical assistance under the plan is denied or is not acted upon with reasonable promptness.” 42 U.S.C. § 1396d(a)

28. Federal Medicaid law requires that states provide individuals with the opportunity to apply for assistance and that such assistance be provided with reasonable promptness. 42 U.S.C. § 1396a(a)(8).

29. Federal regulations implementing the “reasonable promptness” requirements of 42 U.S.C. § 1396a(a)(8) require that states, such as Maine:

A) Provide individuals with an opportunity to apply for Medicaid without delay. 42 C.F.R. § 435.906;

B) Make a determination of eligibility within forty-five (45) days, except in cases alleging disability which allows a state up to ninety (90) days to make an eligibility determination. 42 CFR § 435.912. In Maine, the state has adopted a forty-five (45) day processing time for all applications, including those based upon disability. 22 M.R.S. § 3173. If the timeliness standards are not met, due to the fault of the Department, then the Department is required to issue temporary MaineCare coverage. 22 M.R.S. § 3173, ¶ 4.

C) Provide Medicaid automatically to certain categories of individuals, including those eligible to receive SSI. 42 C.F.R. § 435.909

D) “(a) Furnish Medicaid promptly to beneficiaries without any delay caused by the agency's administrative procedures; (b) Continue to furnish Medicaid regularly to all eligible individuals until they are found to be ineligible; and (c) Make arrangements to assist applicants and beneficiaries to get emergency medical care whenever needed, 24 hours a day and 7 days a week. 42 C.F.R. §435.930

30. Federal Medicaid regulations implementing the fair hearing requirement in 42 U.S.C. § 1396a (a)(3) require that at the time it takes any action affecting an individual's claim for Medicaid, the state Medicaid agency must send the individual a written notice that includes, *inter alia*, 1) "[a] statement of the action the State...intends to take"; 2) "[t]he reasons for the intended action"; 3) "[t]he specific regulations that support, or the change in Federal or State law that requires, the action"; and 4) an explanation of the individual's right to a fair hearing and an explanation of the circumstances under which Medicaid will continue if a hearing is requested. 42 C.F.R. §§ 431.206; 431.210; *see also* 42 C.F.R. § 435.913.

#### SNAP

31. Congress first established a permanent Food Stamp Program in 1964. Food Stamp Act of 1964, Pub. L. No. 88-525, 78 Stat. 703 (1964). The purpose of the program was "to promote the general welfare" and "to safeguard the health and well-being of the Nation's population by raising levels of nutrition among low-income households." *Id.* § 2. Congress made significant revisions to the program in 1977. Food Stamp Act of 1977, Pub. L. No. 95-113, 91 Stat. 913 (1977). In 2008, the Food Stamp Program was renamed the "Supplemental Nutrition Assistance Program" (hereinafter "SNAP") and the Food Stamp Act was renamed the Food and Nutrition Act of 2008 (hereinafter "SNAP Act").

32. SNAP is administered through state programs, although the benefits are funded by the federal government. 7 U.S.C. §§ 2013, 2020(a), (d), (e). The state programs are governed by criteria set forth in the SNAP Act. Those criteria include the standards for qualification for and disqualification from receipt of SNAP benefits. 7 U.S.C. §§ 2014-2015. The eligibility standards in state plans must be "in accordance with sections 2014 and 2015 of [the SNAP Act] and "include no additional requirements imposed by the State agency." *Id.* § 2020(e)(5). States are

expressly prohibited from imposing "any other standards of eligibility as a condition for participating in the program," *Id.* § 2014(b).

33. SNAP provides monthly benefits through an Electronic Benefit Transfer (EBT) system with benefits based upon household size and composition, incomes, assets and other eligibility criteria. 7 U.S.C. § 2016.

34. Individuals are to be permitted to apply either in-person, 7 C.F.R. § 273.2(c)(1), or through the state's web site, and must be allowed to apply on the same day that the household first contacts a SNAP office in person, during work hours. 7 U.S.C. § 2020 (e)(2)(B).

35. Federal regulations governing the SNAP program and implementing the SNAP statute, including 7 U.S.C. §§ 2016, 2020, require states to make decisions on applications, and to provide benefits to those found eligible, within thirty (30) days of the date of application, 7 C.F.R. § 273.2(g)(1), except in exigent circumstances which then require states to make decisions and issue benefits within seven (7) days. 7 C.F.R. § 273.2(i)(3)(i). In on-going SNAP cases, in Maine, monthly benefits are posted to the individuals EBT account between the 10<sup>th</sup> and the 14<sup>th</sup> of each month, depending on date of birth. See <https://www.fns.usda.gov/sites/default/files/snap/maine-issuance.pdf>

36. Maine participates in the SNAP program under the name of "Food Supplement." 22 M.R.S. § 3104 ("The Department shall . . . Administer a statewide program in accordance with the related requirements and regulations of the United States Department of Agriculture, the United States Department of Health and Human Services and the United States Department of Education.")

#### TANF

37. Prior to 1996, cash assistance to needy families with children was provided through the Aid to Families with Dependent Children (AFDC) program, 42 U.S.C. § 601 *et seq.*

(1994); In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, referred to as the "Welfare Reform Act," Pub. L. No. 104-193, 110 Stat. 2105 (codified as amended in scattered sections of Title 42 and other titles of U.S.C.). The Welfare Reform Act replaced AFDC with the Transitional Assistance to Needy Families (TANF) program. TANF provides federal block grants that states may use for their own public assistance programs. *See* 42 U.S.C. § 601 *et seq.*; H.R. CONF. REP. NO. 104-725, at 261 (1996); H.R. REP. NO. 104-651, at 1322 (1996). The amount of a state's TANF grant is based on the amount of the reimbursement paid to the state under AFDC during an historical base period. *See* 42 U.S.C. § 603. In order to receive a TANF grant, a state must submit a state plan, which HHS must approve, describing how the state intends to use the grant. *Id.* § 602. A state may spend its grant "in any manner that is reasonably calculated to accomplish the purpose of" the TANF program, or "in any manner that the State was authorized to use amounts received" under AFDC. *Id.* § 604(a).

38. Maine's TANF program is authorized pursuant to 22 M.R.S. §§ 3762-3768-D, and in accordance with its approved state TANF block grant plan, Maine law and regulations require DHHS to process applications within 30 days. 22 M.R.S. § 3762.

#### General Facts

39. The federal government reimburses 50% of most state administrative expenditures for Medicaid and SNAP--without a dollar limit on the amount of administrative expenditures eligible for federal reimbursement. *See* 42 U.S.C. § 1396b(a)(7) (Medicaid); 7 U.S.C. § 2025(a) (Food Stamps). As noted, however, TANF is a block grant program, under which a state receives a fixed amount of federal funds, which includes the cost of state administrative expenditures.

40. The Office for Family Independence (OFI), a part of DHHS, administers the Medicaid (MaineCare), TANF and SNAP (Food Supplement) programs. As part of this administration, OFI maintains regional offices throughout Maine where people may apply for or recertify their ongoing eligibility for these programs, and others. OFI maintains a centralized number for people to apply, recertify eligibility, and make inquiries regarding these programs. OFI also maintains a web-based system for people to make application and recertify eligibility for these programs. <https://www1.maine.gov/benefits/account/login.html>.

41. In the case of those currently eligible, DHHS generally must issue a notice at least ten (10) days prior to the effective date of an intended action, such as a termination or reduction in eligibility. Recipients have ten (10) days to appeal the decision in order to avoid having the action take immediate effect. These notices are issued through the Department's Automated Client Eligibility System (ACES) which issues thousands of notices each day.

42. Due to a state budget impasse, the Defendants have decided to stop the processing of applications for TANF, Food Supplement and MaineCare and to stop payment of assistance under those programs.

## VI. CLAIMS FOR RELIEF

### Count I

#### (Medicaid - Violation of 42 U.S.C. § 1396a(a)(8))

43. The allegations in paragraphs 1-42 are realleged.

44. The failure of the Defendant to receive and process MaineCare applications within the forty-five day period allowed by federal and state law and/or to provide coverage and benefits to those eligible for MaineCare violates the *reasonable promptness* provision of 42 U.S.C. §1396a(a)(8) and the implementing regulations, including 42 C.F.R. § 435.906; .909; .912 and .930,

45. Defendants actions are causing or threatening irreparable harm to Plaintiffs and the putative class members for which there is not an adequate remedy at law making injunctive relief necessary.

46. The injury to the Plaintiffs and putative the class in going without MaineCare benefits outweighs any harm to the Defendants if such benefits are continued.

47. The public interest will not be adversely affected by granting an injunction.

48. This violation entitles Plaintiffs and the putative class to relief under 42 U.S.C. § 1983.

Count II  
(Medicaid- 42 U.S.C. § 1396a(a)(3))

49. The allegations in paragraphs 1-48 are realleged.

50. Defendants have terminated Medicaid benefits to otherwise eligible individuals resulting in the loss or denial of essential medical coverage without prior notice, an opportunity for a hearing, or continuation of benefits, in violation of 42 U.S.C. § 1396a(a)(3) and its implementing regulations, including 42 C.F.R. 431.200-.246-

51. Defendants actions are causing or threatening to cause irreparable harm to Plaintiffs and the putative class members for which there is not an adequate remedy at law making injunctive relief necessary.

52. The injury to the Plaintiffs and the putative class in going without Medicaid benefits outweighs any harm to the Defendants if such benefits are continued.

53. The public interest will not be adversely affected by granting an injunction.

54. This violation entitles Plaintiffs and the putative class to relief under 42 U.S.C. § 1983.

Count III  
(SNAP- 7 U.S.C. § 2020)

55. The allegations in paragraphs 1-54 are realleged.

56. Defendants failure to accept SNAP applications, to timely process SNAP applications, to timely issue SNAP benefits and to issue notices of termination, with an opportunity for a fair hearing and continuation of benefits violates 7 U.S.C. § 2020(e) and implementing regulations, including 7 C.F.R. § 273.2(c)(1), 273.2(g)(1), 273.2(i)(3)(i), 273.13(a) and & C.F.R. § 273.15.

57. The Plaintiffs and the putative class members will suffer irreparable harm if they are denied their SNAP benefits.

58. The injury to the Plaintiffs and the putative class in going without SNAP benefits outweighs any harm to the Defendants if such benefits are continued.

59. The public interest will not be adversely affected by granting an injunction.

60. This violation entitles Plaintiffs and the putative class to relief under 42 U.S.C. § 1983.

Count IV  
(Violation of Due Process)

61. The allegations in paragraphs 1-60 are realleged.

62. Defendants' policy and practice of failing to provide adequate Medicaid, Food Supplement and TANF denial and termination notices violates Plaintiffs' and the putative class members' rights under the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

63. Plaintiffs and the putative class will suffer irreparable harm if they are not afforded their due process rights.

64. The injury to the Plaintiffs and the putative class in being denied their due process rights outweighs any harm to the Defendants in providing the Plaintiffs with their due process rights.

65. The public interest will not be adversely affected by granting an injunction.

66. This violation entitles Plaintiffs and the putative class to relief under the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

#### Count V

67. The allegations in paragraphs 1-66 are realleged.

68. Defendants' failure to comply with federal law, as alleged herein, specifically Counts I, II, and III, violates the Medicaid and SNAP Acts and implementing regulations and is therefore preempted by the Supremacy Clause of the United States Constitution, US Const., Art. VI.

#### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief:

- A. Assume jurisdiction over this action;
- B. Certify this action as a class action pursuant to Fed. R. Civ. P. 23(a) and (b)(2) with respect to the proposed class;
- C. Enter a declaratory judgment, in accordance with 28 U.S.C. § 2201 and Fed. R. Civ. P. 57, declaring that Defendants have violated and continue to violate Plaintiffs' and the putative class members' rights under federal law in:
  - i. Failing to take and timely process applications for TANF, SNAP and Medicaid;
  - ii. Failing to timely issue benefits in the TANF, SNAP and Medicaid programs.



- iii. Failing to provide notice of the termination of benefits, including offering the opportunity for a fair hearing and the continuation of benefits pending the hearing decisions;

D. Issue Temporary, Preliminarily and Permanent injunctive relief enjoining Defendants from:

- i. Refusing to receive and timely process applications for the TANF, SNAP and Medicaid programs;
- ii. Refusing to timely issue benefits under the TANF, SNAP and Medicaid programs;
- iii. Refusing to provide notices of termination, and an opportunity for a fair hearing and continuation of benefits during the fair hearing process.

- E. Order Defendants to immediately take steps to remedy these violations;
- F. Award reasonable attorneys' fees and costs as provided by 42 U.S.C. § 1988; and,
- G. Order such other, further or additional relief as the Court deems equitable, just and proper.

Date: June 29, 2017

Respectfully submitted,

/s/ Jack Comart, Esq. \_\_\_\_\_

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