

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 121 MD 2011

SHERYL SEARS; RONALD J. GUINEY; FLORENCE SPANOS; BARBARA L. MILLER; RANDELL DEVLIN; KATHLEEN DEVLIN; SALLYE D. FISCUS; NICHOLAS BALANDIAT; LORETTA E. MAIERHOFER; MARY GALLAGHER; DANIEL CECCHETTI; MICHELE YAMSHON; VICKI L. MAZZAFERRO; MADELINE MARTUCCI; GARY CARPINELLO; KAREN CARPINELLO; DIANE HOLBERT; ARTHUR W. CUNNINGHAM, JR.; DANA CUNNINGHAM; DOLORES LOBIONDO; MICHAEL LOBIONDO; CAROL KUHN; TAMMY BEVAN; ALICIA RAGER; TERESA LIBERATO; VALERIE BENKO; JOHN C. EGAN; TAMMY GROSS; BLANCHE HOOVER; JOSEPH D. STEINER; CYNTHIA BRAZEN; SUSAN ANTOSZEWSKI; ANGELA STETZ; BONNIE ZUZO; CAROL WEISS; LINDA SAUNDERS; LOUISE SCHNEIDER; LINDA GORSUCH; ALEX J. DERITIS, SR.; SHARON THIR; BECKY THIR; BARBARA SIMS; FRANK SIMS; CAROL L. DEVERS; DEBBIE A. KRAFT; DEBORAH A. McGRADY; JEFF C. MILLER; DAVID LIPSTEIN; BONNIE LIPSTEIN; THOMAS R. HABERMAN; WILLIAM A. ROTH; DAVID DAWSON; VICTORIA D. HARTSEK; JEANINE RICHARDS; KELLY RICHARDS; WILLIAM AINSWORTH; WILLIAM BRIGGS; LORRAINE CAPALBO; CHRIS IAMS; RONALD KAPLAN; JOAN O'SHEA; KIMBERLY THOMAS; BIANCA WILLIS; SHAWN WILLIS; PAMELA R. ALWINE; BARBARA A. BEAM; BEVERLY A. CORCORAN; JAMES J. CORCORAN; KRISTYN L. CORCORAN; BILLYE GLENN; DAVID McKEE; CHRISTINA A. MILLER; PATRICIA VARGULISH; DORA M. ALEXANDER; and, JODA L. SCHENA, on behalf of themselves and all others similarly situated,

vs.

Petitioners,

TOM CORBETT AS GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA; CHARLES ZOGBY AS SECRETARY OF BUDGET OF THE COMMONWEALTH OF PENNSYLVANIA; HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF PENNSYLVANIA; SAMUEL H. SMITH AS SPEAKER OF THE HOUSE; SENATE OF THE COMMONWEALTH OF PENNSYLVANIA; JOSEPH B. SCARNATI, III, AS PRESIDENT PRO TEMPORE OF THE SENATE; and DEPARTMENT OF TREASURY OF THE COMMONWEALTH OF PENNSYLVANIA,

Respondents.

AMENDED PETITION FOR REVIEW IN THE NATURE OF A CLASS ACTION
COMPLAINT FOR DECLARATORY, MANDAMUS AND INJUNCTIVE RELIEF

FILED
MAY 10 2011
JUDICIAL BRANCH
HARRISBURG, PA

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NOTICE
CONCERNING MEDIATION OF ACTIONS PENDING
BEFORE THE COURT OF COMMON PLEAS OF DAUPHIN
COUNTY

The Judges of the Court of Common Pleas of Dauphin County believe that mediation of lawsuits is a very important component of dispute resolution. Virtually all lawsuits can benefit in some manner from mediation.

The Court has adopted Dauphin County Local Rule 1001 to encourage the use of mediation. This early alert enables litigants to determine the best time during the life of their lawsuit for a mediation session. The intent of this early alert is to help the parties act upon the requirement to consider good faith mediation at the optimal time.

The Dauphin County Bar Association provides mediation services and can be reached at 717-232-7536. Free mediation sessions for pro bono cases referred by MidPenn Legal Services are available through the DCBA.

AVISO

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan más adelante en las siguientes páginas, debe tomar acción dentro de los próximos treinta (30) días después de la notificación de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aquí en contra suya. Se le advierte de que si usted falla de tomar acción como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamación o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin más aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE.
SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA.
ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO
CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES
POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE
AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A
PERSONAS QUE CUALIFICAN.

DAUPHIN COUNTY LAWYER REFERRAL SERVICE
213 North Front Street Harrisburg, PA 17101
(717)232-7536

An adequate supply of forms containing the bilingual notices required by these Rules shall be furnished by the Dauphin County Bar Association to the office of the Prothonotary and shall be available for use by litigants and their attorneys.

AVISO
REFERENCIAS A LA MEDIACIÓN DE LAS ACCIONES PENDIENTES ANTES LA
CORTE DE SOPPLICAS COMUNES DEL CONDADO DE DAUPHIN

Los jueces de la corte de súplicas comunes del condado de Dauphin creen que la mediación de pleitos es un componente muy importante de la resolución del conflicto. Virtualmente todos los pleitos pueden beneficiar de cierta manera de la mediación.

La code ha adoptado la regla local de condado de Dauphin 1001 para animar el use de la mediación. Esta alarma temprana permite a litigantes determinar la mejor época durante la vida de su pleito para una sesión de la mediación. El intento de esta alarma temprana es actuar sobre la mediación de la buena fe en el tiempo óptimo.

La asociación de la barra del condado de Dauphin proporciona servicios de la mediación y se puede alcanzar en 717-232-7536. La sesión libre de la mediación para los favorables casos del bono se refinio por MidPenn que los servicios juridicos están disponibles con el DCBA.

An adequate supply of forms containing the bilingual notices required by these Rules shall be furnished by the Dauphin County Bar Association to the Office of the Prothonotary and shall be available for use by litigants and their attorneys.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SHERYL SEARS, et al.,)	
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Petitioners,)	No. 121 MD 2011
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vs.)	
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TOM CORBETT, et al.,)	
)	
Respondents.)	

AMENDED PETITION FOR REVIEW IN THE NATURE OF A CLASS ACTION COMPLAINT FOR DECLARATORY, MANDAMUS AND INJUNCTIVE RELIEF

AND NOW, come the Petitioners, individually and on behalf of all others similarly situated, by and through their attorneys, CAROSELLI BEACHLER McTIERNAN & CONBOY, LLC and William R. Caroselli, Esquire, David S. Senoff, Esquire, Susan A. Meredith, Esquire, and Lauren C. Fantini, Esquire, and file this Amended Petition for Review in the Nature of a Class Action Complaint for Declaratory, Mandamus and Injunctive Relief:

INTRODUCTION

1. Petitioners on behalf of themselves individually and all others similarly situated, bring this class action seeking declaratory, mandamus and injunctive relief for violations of the Pennsylvania Tobacco Settlement Act, 35 P.S. §5701-1-2, et. seq. and the Pennsylvania Constitution. Petitioners are all adult residents of Pennsylvania, who were participants until February 28, 2011 in the Pennsylvania adultBasic Insurance Coverage Program, which allowed low income workers to

purchase health care insurance at a minimal cost. Petitioners have been irreparably harmed by the illegal redirection of tobacco settlement monies from their intended and mandated purpose to improve the health status of Pennsylvania citizens and to fund current and future health care programs for Pennsylvania citizens. The illegal redirection of the tobacco settlement monies have directly impacted the funding of the adultBasic Insurance Coverage Program such that on February 28, 2011 the program ended leaving approximately 41,000 Pennsylvania citizens and enrollees without necessary health care coverage and an additional approximately 500,000 Pennsylvania citizens on the waiting list for coverage.

JURISDICTION

2. This action has been commenced within the original jurisdiction of the Commonwealth Court of Pennsylvania pursuant to 42 Pa. C.S.A. §761. Petitioners request the Court exercise its jurisdiction over this action.

PARTIES

3. Petitioner Sheryl Sears is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Sears currently resides at 1729 Beach Street, McKeesport, Pennsylvania 15132.
4. Petitioner Ronald J. Guiney is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Guiney currently resides at 518 Oneida Valley Road, Butler, Pennsylvania 16001.

5. Petitioner Florence Spanos is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Spanos currently resides at 1255 Wisconsin Avenue, Pittsburgh, Pennsylvania, 16508.
6. Petitioner Barbara L. Miller, is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Miller currently resides at 419 Lowell Street, Vandergrift, PA 15690.
7. Petitioner Randell Devlin, is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Devlin currently resides at 506 West Spruce Street, Titusville, PA 16354.
8. Petitioner Kathleen Devlin, is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Devlin currently resides at 506 West Spruce Street, Titusville, PA 16354.
9. Petitioner Sallye D. Fiscus, is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Fiscus currently resides at 908 S. Cascade Street, New Castle, PA 16101.
10. Petitioner Nicholas Balandiat, is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance

Coverage Program until February 28, 2011. Mr. Balandiat currently resides at 1655 Hollyrood Road, Pittsburgh, PA 15227.

11. Petitioner Loretta E. Maierhofer is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Maierhofer currently resides at 911 California Avenue, Avalon, PA 15202.
12. Petitioner Mary Gallagher is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Gallagher currently resides at 7522 Davisville Road, Willow Grove, Pennsylvania 19090.
13. Petitioner Daniel Cecchetti is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Cecchetti currently resides at 801 East Hill Drive, Lower Burrell, Pennsylvania 15068.
14. Petitioner Michele Yamshon is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Yamshon currently resides at 1000 Margarite Drive, Unit G, Apt. 56, Pittsburgh, Pennsylvania 15216.
15. Petitioner Vicki L. Mazzaferro is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Mazzaferro currently resides at 431 Washington Street, St. Marys, Pennsylvania 15857.

16. Petitioner Madeline Martucci is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Martucci currently resides at 358 Fifth Avenue, New Kensington, Pennsylvania 15068.
17. Petitioner Gary Carpinello is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Carpinello currently resides at 11461 Route 97, Waterford, Pennsylvania 16441.
18. Petitioner Karen Carpinello is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Carpinello currently resides at 11461 Route 97, Waterford, Pennsylvania 16441.
19. Petitioner Diane Holbert is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Holbert currently resides at 119 Long Street, Uniontown, Pennsylvania 15401.
20. Petitioner Arthur W. Cunningham, Jr. is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Cunningham currently resides at 1304 Toppers Road, Greensburg, Pennsylvania 15601.
21. Petitioner Dana Cunningham is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance

Coverage Program until February 28, 2011. Ms. Cunningham currently resides at 1304 Toppers Road, Greensburg, Pennsylvania 15601.

22. Petitioner Dolores Lobiondo is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Libiondo currently resides at 4920 State Road, Drexel Hill, Pennsylvania 19026.
23. Petitioner Michael Lobiondo is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Lobiondo currently resides at 4920 State Road, Drexel, Pennsylvania 19026.
24. Petitioner Carol Kuhns is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Kuhns currently resides at 113 Maple Road, Addison, PA 15411.
25. Petitioner Tammy Bevan is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Bevan currently resides at 223 Camfield Street, Pittsburgh, PA 15210.
26. Petitioner Alicia Rager is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Rager currently resides at 116 Crawford Avenue, Munhall, PA 15120.

27. Petitioner Teresa Liberato is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Liberato currently resides at 1552 Chichester Avenue, Marcus Hook, PA 19061.
28. Petitioner Valerie Benko is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Benko currently resides at 4153 Beehner Road, Pittsburgh, Pennsylvania 15217.
29. Petitioner John C. Egan is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Egan currently resides at 6914 Manistee Street, Pittsburgh, Pennsylvania 15206.
30. Petitioner Tammy Gross is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Gross currently resides at 810 Scott Avenue, Jeannette, Pennsylvania 15644.
31. Petitioner Blanche Hoover is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Hoover currently resides at 5300 W. Smithfield Street, McKeesport, Pennsylvania 15135.
32. Petitioner Joseph D. Steiner is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage

Program until February 28, 2011. Mr. Steiner currently resides at 106 Dinsmore Avenue, McKeesport, Pennsylvania 15205.

33. Petitioner Cynthia Brazen is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Brazen currently resides at 2306 Lucina Avenue, Pittsburgh, Pennsylvania 15210.
34. Petitioner Susan Antoszewski is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Antoszewski currently resides at 1707 Morningside Avenue, Pittsburgh, Pennsylvania 15206.
35. Petitioner Angela Stetz is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Stetz currently resides at 1610 Romine Avenue, McKeesport, PA 15133.
36. Petitioner Bonnie Zuzo is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Zuzo currently resides at 314 Chanticleer Circle, New Stanton, PA 15672.
37. Petitioner Carol Weiss is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Weiss currently resides at 6919 Standish Street, Pittsburgh, PA 15206.

38. Petitioner Linda Saunders is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Saunders currently resides at 6206 Crestmont Drive, Butler, PA 16002.
39. Petitioner Louise Schneider is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Schneider currently resides at 3826 Holey Street, Pittsburgh, PA 15201.
40. Petitioner Linda Gorsuch is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Gorsuch currently resides at 37 Meritt Avenue, Pittsburgh, PA 15227.
41. Petitioner Alex J. Deritis, Sr. is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Deritis currently resides at 169 St. Angela Drive, Hazel Township, PA 18202.
42. Petitioner Sharon Thir is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Thir currently resides at 1809 Eaton Street, McKeesport, PA 15132.
43. Petitioner Becky Thir is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program

until February 28, 2011. Ms. Thir currently resides at 1809 Eaton Street, McKeesport, PA 15132.

44. Petitioner Barbara Sims is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Sims currently resides at 416 Palmer Street, Plymouth, PA 18651.
45. Petitioner Frank Sims is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Sims currently resides at 416 Palmer Street, Plymouth, PA 18651.
46. Petitioner Carol L. Devers is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Devers currently resides at P.O. Box 338, Pricedale, PA 15072.
47. Petitioner Debbie A. Kraft is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Kraft currently resides at 74 Price Street, Apt. 2, Kingston, PA 18704.
48. Petitioner Deborah A. McGrady is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. McGrady currently resides at 494 Craigsville Road, Worthington, PA 16262.

49. Petitioner Jeff C. Miller is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Miller currently resides at 816 9th Street, Verona, PA 15147.
50. Petitioner David Lipstein is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Lipstein currently resides at 2417 E. Hazzard Street, Philadelphia, PA 19125.
51. Petitioner Bonnie Lipstein is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Lipstein currently resides at 2417 E. Hazzard Street, Philadelphia, PA 19125.
52. Petitioner Thomas Haberman is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Haberman resides at 208 Linnview Avenue, Pittsburgh, PA 15210.
53. Petitioner William A. Roth is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Roth currently resides at 650 Jackson Center Polk Road, Stoneboro, PA 16153.
54. Petitioner David Dawson is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage

- Program until February 28, 2011. Mr. Dawson currently resides at 163 Hamilton Avenue, Vandergrift, PA 15690.
55. Petitioner Victoria D. Hartsek is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Hartsek currently resides at 112 Wayside Drive, Uniontown, PA 15401.
56. Petitioner Jeanine Richards is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Richards currently resides at 137 East First Avenue, Tarentum, PA 15084.
57. Petitioner Kelly Richards is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Richards currently resides at 137 East First Avenue, Tarentum, PA 15084.
58. Petitioner William Ainsworth is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Ainsworth currently resides at 1111½ McNeilly Road, Pittsburgh, PA 15216.
59. Petitioner William Briggs is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Briggs currently resides at 340 Sample Flats Road, Corry, PA 16407.

60. Petitioner Lorraine Capalbo is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Capalbo currently resides at 1539 W. Porter Street, Philadelphia, PA 19145.
61. Petitioner Chris Iams is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Iams currently resides at 205 Shields Street, Buena Vista, PA 15018.
62. Petitioner Ronald Kaplan is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Kaplan currently resides at 424 W. Swissvale Avenue, Pittsburgh, PA 15218.
63. Petitioner Joan O'Shea is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. O'Shea currently resides at 710 Clearview Drive, Verona, PA 15147.
64. Petitioner Kimberly Thomas is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Thomas currently resides at 340 Sample Flats Road, Corry, PA 16407.
65. Petitioner Bianca Willis is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program

until February 28, 2011. Ms. Willis currently resides at 52 Highlands Ridge Road, Washington, PA 15301.

66. Petitioner Shawn Willis is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Willis currently resides at 52 Highland Ridge Road, Washington, PA 15301.
67. Petitioner Pamela R. Alwine is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Alwine currently resides at 310 McMillan Street, Johnstown, PA 15902.
68. Petitioner Barbara A. Beam is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Beam currently resides at RR2, Box 2090, Nicholson, Pennsylvania 18446.
69. Petitioner Beverly A. Corcoran is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Corcoran currently resides at 70 York Farm Road, Pottsville, Pennsylvania 17901.
70. Petitioner James J. Corcoran is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. Corcoran currently resides at 70 York Farm Road, Pottsville, Pennsylvania 17901.

71. Petitioner Kristyn L. Corcoran is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Corcoran currently resides at 70 York Farm Road, Pottsville, Pennsylvania 17901.
72. Petitioner Billye Glenn is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Glenn currently resides at 7244 Monticello Street, Pittsburgh, Pennsylvania 15208.
73. Petitioner David McKee is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Mr. McKee currently resides at 516 Lincoln Way, McKeesport, Pennsylvania 15132.
74. Petitioner Christina A. Miller is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Miller currently resides at 816 9th Street, Verona, Pennsylvania 15147.
75. Petitioner Patricia Vargulish is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Vargulish currently resides at 4040 Briarwood Drive, Jeannette, Pennsylvania 15644.
76. Petitioner Dora M. Alexander is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance

Coverage Program until February 28, 2011. Ms. Alexander currently resides at 57 Steel Street, Republic, Pennsylvania 15475.

77. Petitioner Joda L. Schena is an adult individual and resident of Pennsylvania who was a participant in the Pennsylvania adultBasic Insurance Coverage Program until February 28, 2011. Ms. Schena currently resides at 6076 Moore Bridge Road, Brookville, Pennsylvania 15825.
78. Defendant Governor Tom Corbett is the current Governor of the Commonwealth of Pennsylvania and is responsible pursuant to Article IV, Section 2 of the Pennsylvania Constitution, to ensure that the laws of Pennsylvania are faithfully executed and pursuant to Article VIII, Section 12, is obligated to submit to the General Assembly an operating budget for the state which must set forth in detail proposed expenditures and estimated revenue. Governor Corbett maintains an office at 225 Main Capitol Building, Harrisburg, PA 17120.
79. Defendant, Charles Zogby, is the current Secretary of the Budget for the Commonwealth of Pennsylvania and is responsible along with the Governor to prepare the annual state budget for the State of Pennsylvania and to implement the budget after it is passed by the General Assembly and signed by the Governor. Mr. Zogby maintains an office at 238 Main Capitol Building, Harrisburg, PA 17120.
80. Defendant, House of Representatives of the Commonwealth of Pennsylvania, is an elected representative body which pursuant to Article II, Section 1 of the Pennsylvania Constitution is vested with the legislative power of the Commonwealth of Pennsylvania.

81. Defendant, Samuel H. Smith, is the current Speaker of the House of Representatives of the Commonwealth of Pennsylvania and as Speaker of the House is responsible for presiding over the House of Representatives and signing all bills and joint resolutions passed by both Houses. Mr. Smith maintains an office at 139 Main Capitol Building, Harrisburg, PA 17120-2066.
82. Defendant, Senate of the Commonwealth of Pennsylvania, is an elected representative body which pursuant to Article II, Section 1 of the Pennsylvania Constitution is vested with the legislative power of the Commonwealth of Pennsylvania.
83. Defendant, Joseph B. Scarnati, III, is the current President Pro Tempore of the Senate and has the responsibility for presiding over the Senate in case of an absence or disability of the President of the Senate. Mr. Scarnati maintains an office at 292 Capitol Building, Harrisburg, PA 17120.
84. Defendant, Department of the Treasury for the Commonwealth of Pennsylvania, is a state agency and is obligated pursuant to the Tobacco Settlement Act, 35 P.S. §5701.303 to deposit annual tobacco settlement monies into the Tobacco Settlement Fund and Health Endowment Account for Long Term Hope (hereinafter "Health Account"). The Department maintains an office at 129 Finance Building, Harrisburg, PA 17120.

FACTS

85. On or about November 23, 1998, Pennsylvania, along with 48 other states jointly settled a lawsuit against five major tobacco companies to recover monies which the state had expended in paying for health care related expenses of citizens of Pennsylvania with tobacco related illnesses.
86. The Attorney General for the Commonwealth of Pennsylvania on behalf of the citizens of Pennsylvania entered into a Master Settlement Agreement which obligated the tobacco companies to pay monies to the Commonwealth of Pennsylvania beginning in 2000 and on an ongoing annual basis believed to be for a minimum of 25 years.
87. Pursuant to the terms of the Master Settlement Agreement, the litigation commenced against the named tobacco companies sought to obtain equitable relief and damages in order to further Pennsylvania's policies regarding public health. (See Master Settlement Agreement, Section I, Recitals).
88. Pursuant to the terms of the Master Settlement Agreement, Pennsylvania, as one of forty-eight settling states, agreed that the settlement was necessary in order to "further the Settling States' policies designed to reduce Youth smoking, to promote the public health and to secure monetary payments to the Settling States." (See Master Settlement Agreement, Section I, Recitals). (Emphasis added).
89. Moreover, Pennsylvania as a settling party to the Master Settlement Agreement, agreed that the terms of the settlement would achieve for the "Settling States and their citizens significant

funding for the advancement of public health " (See Master Settlement Agreement, Section I, Recitals).

90. The intent, as set forth in the Recital paragraphs to the Master Settlement Agreement, that the settlement funds from the Master Settlement Agreement would further Pennsylvania's public health policies and to promote public health were overriding factors which were central in the state's decisions regarding how the monies obtained from the Tobacco Settlement Agreement were to be spent.
91. In January of 2000, then Governor, Tom Ridge, issued *Pennsylvania's Health Investment Plan* that proposed initiatives to be funded by the annual tobacco settlement monies. This statement from that plan was included in the Governor's executive budget for 2001-2002:

Pennsylvania has positioned itself as a national leader by proposing that the use of tobacco settlement proceeds be limited to initiatives designed to improve the health status of its citizens.
92. The *Health Investment Plan* contained several principles to guide the Commonwealth in using the tobacco settlement proceeds. These principles included proposals that the monies were to be used to make Pennsylvanians healthier and to fund the health of future generations of Pennsylvanians.
93. The *Health Investment Plan* proposed the largest share of the Tobacco Settlement Fund, 40%, would be used to provide low cost health insurance for up to one hundred thousand uninsured Pennsylvania citizens.
94. On or about July 21, 2001, the Pennsylvania General Assembly passed the Tobacco Settlement Act, 35 P.S. §5701-102, et seq. which provides that the tobacco settlement

monies would be used to make Pennsylvanians healthier and provide for the health of future generations of Pennsylvanians.

95. The Bill that became the Tobacco Settlement Act began in the House of Representatives. On the House Floor, before the Bill was sent to the Senate, the Majority Leader of the House at that time, John Perzel, stated:

[w]e are beginning the final stages of the process to putting the final touches on Pennsylvania's plan to use the tobacco settlement money. The most important thing that we have said here today is that Pennsylvania is going to use ever dollar of the tobacco settlement fund for health care. Every dollar will go to improve health and the lives of Pennsylvanians for generations to come

Legislative Journal-House, p. 218 (Remarks of Representative Perzel)

96. In the Senate, before the Senate passed its version of the Bill, Senator Harold Mowery commented on the history of the Bill and stated:

[t]wo years ago the Senate Committee on Public Health and Welfare began a series of public hearings to solicit suggestions and recommendations on how we could use tobacco settlement funds to improve the health of all Pennsylvanians. We started with a premise, articulated by the Governor, that all of these funds would be dedicated to health care. That promise became a promise, and today that promise is fulfilled. In our hearings we heard of need, the need to help our seniors with prescriptions and long-term care alternatives that will allow for those who need nursing home care to remain in their homes, to reduce the number of uninsureds, and to help hospitals that provide care to those who cannot afford to pay for their care, to fund health care research so that the many fine research institutions that Pennsylvania is privileged to have within its borders can lead the nation towards medical breakthroughs and new cures, to invest in tobacco prevention and cessation programs, and we heard that we need to set aside some of the tobacco money in case future funds were reduced or eliminated. With the passage of this legislation, will have addressed each of these needs.

Legislative Journal-Senate, p. 832 (Remarks of Senator Mowery).

97. From the Senate, the Bill returned to the House of Representatives, and prior to the final passage of the Bill by the House, the following statements were made by Representative Baker:

[t]his is hallmark, historic legislation that could lead to the expenditure of hopefully, over 25 years, \$11.3 billion to help out senior citizens as well as many others uninsured and all our health-care clinics [The Bill] is expected to help about 60,000 people that heretofore did not have health insurance, and this is going a long way in helping those very needy families and children age 19 to 64. We have never had this before. This is a very innovative, forward-thinking type of program that is going to reach out to the needs of people in our community.

Legislative Journal-House, p. 1646 (Remarks of Representative Matt Baker).

98. On June 26, 2001, then Governor Tom Ridge signed the Tobacco Settlement Act into law and in doing so, he stated:

[t]his new law ensures that every dollar received in the national tobacco settlement will be spent to make Pennsylvanians healthier.

99. The Tobacco Settlement Act created a Tobacco Settlement Fund as an account to receive and distribute the annual tobacco settlement payments. 35 P.S. §5701.303. The Act's language specifically states:

There is hereby established a special fund known as the Tobacco Settlement Fund. Except as provided in subsection (b), all payments received by the Commonwealth pursuant to the Master Settlement Agreement shall be deposited by the Treasury Department in the fund.

35 P.S. §5701.303.

100. The Tobacco Settlement Act mandated that the annual tobacco settlement payments would be distributed in accordance with the specific allocations set forth in the statute. The statute provided for allocations as follows:

- a) 8% to be put aside in the Health Endowment Account for Long Term Hope (hereinafter "Health Account") for use for future health programs;
- b) 92% to be used for current health programs, which would include:
 - i. 30% to share between adultBasic Insurance and Medicaid for workers with disabilities;
 - ii. 18% for health research;
 - iii. 13% for home and community based services for the elderly;
 - iv. 12% for tobacco use prevention and cessation programs;
 - v. 10% to reimburse hospitals for uncompensated care they provide;
 - vi. 8% to expand PACENET, the Pharmaceutical Assistance Contract for the Elderly (PACE), needs enhancement tier;
 - vii. 1% for cancer-specific health research.

See 35 P.S. §5701.306 (a) and (b).

101. Pursuant to Subsection b of 35 P.S. §5701.303 a Health Endowment Account for Long Term Hope was established within the Fund. The statute provided that the following amounts would be deposited by the Treasury Department into the Health Account:

- (1) The jurisdictional payment received by the Commonwealth pursuant to the Master Settlement Agreement.

- (2) The strategic contribution payments received by the Commonwealth pursuant to the Master Settlement Agreement.
- (3) Earnings derived from the investment of the money in the fund after deduction of investment expenses, including such earnings as may have accrued prior to the effective date of this Chapter.
- (4) Earnings derived from the investment of money in the Health Account after deduction of investment expenses and the approved expenses of the board.
- (5) Money received as a result of investment from the Health Venture Investment Account.

35 P.S. §5701.306(b).

102. The purpose of the Health Endowment Account was to provide a means to keep health care programs going in the future if the annual settlement payments decreased or stopped.
103. On or about April 15th of each year since 2000, the state has and will receive monies pursuant to the Tobacco Master Settlement Agreement with such payments expected to continue until 2025.
104. Pursuant to the Tobacco Settlement Act these monies were to be deposited by the Treasury Department into the Tobacco Settlement Fund and Health Account. See 35 P.S. §5701.303.
105. On February 28, 2011, due to a lack of funding the adultBasic program ceased.
106. All of the Respondents herein, except the Department of the Treasury, failed to take any action to ensure the funding of the adultBasic Insurance Coverage Program beyond February 28, 2011. These failures included the failure to direct monies to the Tobacco Settlement Fund for the adultBasic Insurance Program as required by law and their failure to

secure other alternative sources of funding to ensure the adultBasic Insurance Program would be funded beyond February 28, 2011.

107. As well as redirecting tobacco settlement monies away from the Tobacco Settlement Fund, monies were also redirected away from the Health Account.

108. The Tobacco Settlement Act provides that the Health Account could be used for health care needs in certain situations. The law states:

Whenever the Governor determines that money from the health account is necessary to meet the extraordinary or emergency health care needs of the citizens of this Commonwealth. . . [t]he General Assembly may . . . appropriate money from the health account to meet the needs identified in the Governor's request.

35 P.S. §5701.307.

109. Because of the redirection of settlement monies away from the Health Account, the Health Account has only limited funds which would be insufficient to provide funding on an ongoing basis for the adultBasic program.

110. The actual payments so far received by the Commonwealth of Pennsylvania from the Master Settlement Agreement are as follows:

Tobacco Company Settlement Agreement Payments to Pennsylvania

Actual Payments by Fiscal Year

1998-99	\$142,262,000
1999-00	\$464,554,000
2000-01	\$345,013,000
2001-02	\$433,529,000

2002-03	\$416,918,000
2003-04	\$370,857,000
2004-05	\$366,258,000
2005-06	\$336,227,000
2006-07	\$351,928,000
2007-08	\$382,003,000
2008-09	\$419,238,000
2009-10	\$349,843,000
Total Actual Payments	\$4,378,630,000

CLASS ACTION ALLEGATIONS

111. Petitioners bring this action on behalf of themselves and as members of the class defined below, as a class under the provisions of Pa. R.C.P. §1711(a).
112. The class on whose behalf this action is brought by Petitioners is defined as follows:
- All enrollees in Pennsylvania’s adultBasic Insurance Coverage Program as of February 28, 2011, adversely affected by Respondents’ illegal redirection of tobacco settlement monies from their intended and mandated purpose of improving the health status of Pennsylvania citizens and funding current and future health care programs for Pennsylvania citizens, including the aforementioned adultBasic Insurance Coverage Program.
113. Certification of the class defined above is proper in that:
- a) The proposed class of enrollees in adultBasic is so numerous that joinder of all members is impractical. In particular, there are approximately 41,000 enrollees in the program. Their exact number and identities are currently unknown to the Petitioners, but are known or knowable to the Respondents; and,

- b) There are common questions of law and fact common to the class, including, but not limited to, whether the redirection of tobacco settlement monies from their intended and mandated purpose was in violation of the Tobacco Settlement Act and the Pennsylvania Constitution.
114. Petitioners are members of the class and their claims, as described earlier, are typical of the claims of class members.
115. The representative parties will fairly and adequately protect the interests of the class under the criteria set forth in Pa. R.C.P. §1709, in particular:
- a) Petitioners and their attorneys will adequately represent the interests of the class;
 - b) The representative parties do not have any conflict of interest in the maintenance of a class action; and,
 - c) The representative parties have adequate financial resources to ensure that the interest of the class will not be harmed.
116. The class action provides a fair and efficient method for adjudication of the controversy under the criteria set forth in Pa. R.C.P. §1708, in particular:
- a) Common questions of law and fact predominate over any questions affecting only individual members, including pleading and factual issues relating to liability and damages;
 - b) The matter can appropriately be managed as a class action;
 - c) The prosecution of separate actions would create a risk of inconsistent or varying adjudications, establishing incompatible standards of conduct for Respondents;
 - d) There is no pending litigation already commenced addressing these issues; and,
 - e) This court is the appropriate forum for litigation of the claims of the entire case.

117. The class action is superior to all other available methods for the fair and efficient adjudication of this controversy. The class is readily definable and prosecution as a class action will eliminate the possibility of repetitious litigation, while also providing redress for claims that may be too small to support the expense of individual, complex litigation. In addition, the maintenance of separate actions would place a substantial and unnecessary burden on the courts and would result in inconsistent adjudications, while a single class action can determine, with judicial economy, the rights of all class members.
118. In this action Petitioners seek relief for Respondents' redirection of the tobacco settlement monies away from their intended and mandated purpose of improving the health status of Pennsylvania citizens and funding current and future health care programs for Pennsylvania citizens, including the adultBasic Insurance Coverage Program.

COUNT I

Declaratory Judgment- Violations of the Tobacco Settlement Act **Petitioners v. All Respondents**

119. Petitioners incorporate by reference as though fully set forth herein the allegations of Paragraphs 1 through 116 above.
120. The actions of the Respondents in redirecting tobacco settlement monies intended for the Tobacco Settlement Fund violated the Tobacco Settlement Act. Specifically, by redirecting settlement monies, Respondents violated §5701.303 (a) which provides as follows:
- §5701.303 Establishment of special fund and account

- (a) Tobacco Settlement Fund. - - There is hereby established a special fund known as the Tobacco Settlement Fund. Except as provided in subsection (b), all payments received by the Commonwealth pursuant to the Master Settlement Agreement shall be deposited by the Treasury Department in the fund.

35 P.S. §5701.303(a) (emphasis added).

121. The actions of the Respondents in redirecting tobacco settlement monies also violated §5701.303(b) of the Pennsylvania Tobacco Settlement which was intended to provide funding for the Health Account to keep health care programs going in the future if the annual settlement payments decreased or stopped. Section 5701.303(b) provides as follows:

- (b) Health Account.— There is hereby established within the fund the Health Endowment Account for Long-Term Hope. The following amounts shall be deposited by the Treasury Department into the account:
- (1) The jurisdictional payment received by the Commonwealth pursuant to the Master Settlement Agreement.
 - (2) The strategic contribution payments received by the Commonwealth pursuant to the Master Settlement Agreement.
 - (3) Earnings derived from the investment of the money in the fund after deduction of investment expenses, including such earnings as may have accrued prior to the effective date of this chapter.
 - (4) Earnings derived from the investment of money in the Health Account after deduction of investment expenses and the approved expenses of the board.
 - (5) Money received as a result of investment from the Health Venture Investment Account.

35 P.S. §5701.303(b).

122. The Respondents should not have and cannot continue to redirect such funds which were intended for and mandated to be deposited into the Tobacco Settlement Fund and Health Account.
123. Pursuant to the Tobacco Settlement Act, the funds from the Master Settlement Agreement should have been deposited either into the Tobacco Settlement Fund and the Health Account pursuant to the allocations set forth in §5701.306 of the Tobacco Settlement Act. The statute's mandatory allocation of the monies requires that 30% of the monies received by the Tobacco Settlement Fund be shared between the adultBasic program and Medicaid program for workers with disability.
124. The Respondents' failure to have the tobacco settlement monies appropriately deposited within the Tobacco Settlement Fund and the Health Account is a clear violation of the statute and was directly responsible for the loss of funding for the adultBasic Program.

WHEREFORE, Petitioners respectfully request that judgment be entered against the Respondents pursuant to the Declaratory Judgment Act, 42 Pa. C.S.A. §7531 et seq., and Pa. R.C.P. 1602, to redress the violations of Pennsylvania's Tobacco Settlement Act and that the Court award the following relief:

- a) An Order declaring that this action is properly maintained as a class action;
- b) An Order declaring that the Respondents have violated the Pennsylvania Tobacco Settlement Act by redirecting tobacco settlement money away from the Tobacco Settlement Fund and Health Account;
- c) That this Court order that such other and further relief as may be appropriate under the circumstances including, but not limited to, issuing a declaration requiring that tobacco settlement monies to be

received by the Department of Treasury on or about April 15, 2011 and into the future be appropriately deposited into the Tobacco Settlement Fund and Health Account;

- d) An Order declaring that the Tobacco Settlement Fund and the Health Account be reimbursed by the Commonwealth for tobacco settlement monies which were not but should have been deposited with the Tobacco Settlement Fund and Health Account;
- e) That the Court order the reestablishment of the adultBasic Insurance Coverage Program and that the Program be reinstated retroactively to provide coverage on and after March 1, 2011;
- f) An Order requiring the Respondents to provide an accounting of the tobacco settlement monies received since 2000 as well as an account of the Tobacco Settlement Fund and Health Account from 2000 to the present;
- g) That the Court award to the Petitioners' attorneys for the class reasonable attorneys' fees from the amounts determined to be inappropriately redirected away from the Tobacco Settlement Fund and Health Account; and,
- h) That this Court award to the Petitioners in the class such other relief as the Court deems appropriate.

COUNT II

Mandamus- Violations of Pennsylvania's Tobacco Settlement Act

Petitioners v. All Respondents

- 125. Petitioners incorporate by reference as though fully set forth herein at length the allegations in Paragraphs 1 through 124 above.
- 126. The actions of the Respondents in redirecting tobacco settlement monies intended for the Tobacco Settlement Fund and the Health Account violate Pennsylvania's Tobacco Settlement Act and specifically, 35 P.S. §5701.303(a) and (b).

127. The Respondents should not have and cannot continue to redirect such funds which were intended for and mandated to be deposited into the Tobacco Settlement Fund and the Health Account.
128. Respondents' failure to have the tobacco settlement monies appropriately deposited within the Tobacco Settlement Fund and the Health Account is a clear violation of the statute and was directly responsible for the loss of the funding for the adultBasic program.
129. The Petitioners have a clear right to the performance by the Respondents of the statutorily mandated duty that requires that the tobacco settlement monies be deposited with the Tobacco Settlement Fund and the Health Account and that 30% of such monies be shared between the adultBasic Program and the Medicaid program for workers with disability. The Petitioners have no other appropriate or adequate remedy in order to obtain the requested relief.

WHEREFORE, Petitioners respectfully request that a writ of mandamus be issued to redress the violations of the Pennsylvania Tobacco Settlement Act and that the Court award the following relief:

- a) An Order declaring that this action is properly maintained as a class action;
- b) An Order declaring that the Respondents have violated the Pennsylvania Tobacco Settlement Act by redirecting tobacco settlement money away from the Tobacco Settlement Fund and Health Account;
- c) That this Court order that such other and further relief as may be appropriate under the circumstances including, but not limited to, issuing a writ of mandamus requiring that tobacco settlement monies to be received by the Department of Treasury on or about April 15, 2011 and into the future be appropriately deposited into the Tobacco Settlement Fund and Health Account;

- d) An Order declaring that the Tobacco Settlement Fund and the Health Account be reimbursed by the Commonwealth for tobacco settlement monies which were not but should have been deposited with the Tobacco Settlement Fund and Health Account;
- e) That the Court order the reestablishment of the adultBasic Insurance Coverage Program and that the Program be reinstated retroactively to provide coverage on and after March 1, 2001;
- f) An Order requiring the Respondents to provide an accounting of the tobacco settlement monies received since 2000 as well as an account of the Tobacco Settlement Fund and Health Account from 2000 to the present;
- g) That the Court award to the Petitioners' attorneys for the class reasonable attorneys' fees from the amounts determined to be inappropriately redirected away from the Tobacco Settlement Fund and Health Account; and,
- h) That this Court award to the Petitioners in the class such other relief as the Court deems appropriate.

COUNT III

Declaratory Judgment and Mandamus- Violation of Article III Section 1, 2, 3, 4 and 6 of the Pennsylvania Constitution

All Petitioners v. Tom Corbett as Governor of the Commonwealth of Pennsylvania; Charles Zogby as Secretary of the Budget of the Commonwealth of Pennsylvania; House of Representatives of the Commonwealth of Pennsylvania; Samuel H. Smith as as Speaker of the House; Senate of the Commonwealth of Pennsylvania; and Joseph B. Scarnati, III, as President Pro Tempore of the Senate

- 130. Petitioners incorporate by reference as though fully set forth herein at length the allegations in Paragraphs 1 through 129 above.
- 131. Pursuant to Article III, Section 1 of the Pennsylvania Constitution, no law shall be passed except by Bill, and no Bill shall be so altered or amended, on its passage through either House, as to change its original purpose. PA. CONST. Art. III, 31.

132. Pursuant to Article III, Section 2 of the Pennsylvania Constitution, no Bill shall be considered unless referred to a committee, printed for the use of the members and returned there from. PA. CONST. Art. III, §2.
133. Pursuant to Article III, Section 3 of the Pennsylvania Constitution, no Bill shall be passed containing more than one subject, which shall be clearly expressed in the title, except a general appropriation bill or a bill codifying or complying the law or a part thereof. PA. CONST. Art. III, §3.
134. Pursuant to Article III, Section 4 of the Pennsylvania Constitution, every Bill shall be considered on three different days in each House. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill and before the final vote is taken, upon written request addressed to the presiding officer of the House by at least twenty-five percent of the members elected to the House, any bill shall be read at length in the House. No Bill shall become a law, unless on its final passage the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the journal, and a majority of the members elected to each House is recorded thereon as voting in its favor. PA. CONST. Art. III, §4.
135. Pursuant to Article III, Section 6 of the Pennsylvania Constitution, no law shall be revived, amended or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is provide, amended, extended or conferred shall be re-enacted and published at length. PA. CONST. Art. III, §6.
136. The House of Representatives and Samuel H. Smith, as Speaker of the House, the Senate of the Commonwealth of Pennsylvania and Joseph B. Scarnati, III as President Pro Tempore

(hereinafter "Legislative Respondents") violated Article III, Sections 1, 2, 3, 4 and 6 of the Pennsylvania Constitution by seeking to amend the requirements of the Tobacco Settlement Act without appropriately passing a law by way of a Bill to change the requirements of the Tobacco Settlement Act.

137. The Legislative Respondents illegally and unconstitutionally redirected monies received from the Master Settlement Agreement which should have been deposited into the Tobacco Settlement Fund and the Health Account.
138. The Legislative Respondents by redirecting the tobacco settlement monies by way of mandates to the Annual Budget Acts have violated the procedures set forth in Article III Sections 1, 2, 3, 4 and 6 of the Pennsylvania Constitution.
139. Respondents, Governor Tom Corbett and Charles Zogby as Secretary of Budget, have also illegally and unconstitutionally redirected monies received from the Master Settlement Agreement which should have been deposited into the Tobacco Settlement Fund and the Health Account and such redirection of monies is a violation of the procedures set forth in Article III, Sections 1, 2, 3, 4 and 6 of the Pennsylvania Constitution.

WHEREFORE, Petitioners respectfully request that judgment be entered against the Respondents to redress their violations of Pennsylvania's Constitution and that the Court award the following relief:

- a) An Order declaring that this action is properly maintained as a class action;
- b) An Order declaring that the Respondents have violated the Pennsylvania Constitution by redirecting tobacco settlement money away from the Tobacco Settlement Fund and Health Account;
- c) That this Court order that such other and further relief as may be appropriate under the circumstances including, but not limited to,

issuing a declaration requiring that tobacco settlement monies to be received by the Department of Treasury on or about April 15, 2011 and into the future be appropriately deposited into the Tobacco Settlement Fund and Health Account;

- d) An Order declaring that the Tobacco Settlement Fund and the Health Account be reimbursed by the Commonwealth for tobacco settlement monies which were not but should have been deposited with the Tobacco Settlement Fund and Health Account beginning in 2006 through the present;
- e) That the Court order the reestablishment of the adultBasic Insurance Coverage Program and that the Program be reinstated retroactively to provide coverage on and after March 1, 2011;
- f) An Order requiring the Respondents to provide an accounting of the tobacco settlement monies received since 2000 as well as an account of the Tobacco Settlement Fund and Health Account;
- g) That the Court award to the Petitioners' attorneys for the class reasonable attorneys' fees from the amounts determined to be inappropriately redirected away from the Tobacco Settlement Fund and Health Account; and,
- h) That this Court award to the Petitioners in the class such other relief as the Court deems appropriate.

COUNT IV.

Declaratory Judgment and Mandamus **Violation of the Pennsylvania Constitution Article IV, Section 2**

**Petitioners v. Tom Corbett, Governor of the Commonwealth of Pennsylvania
and Charles Zogby, Secretary of the Budget for the Commonwealth of Pennsylvania**

- 140. Petitioners incorporate by reference as though fully set forth herein at length the allegations in Paragraphs 1 through 139 above.
- 141. The Governor and the Office of the Budget by submitting to the Legislature an annual budget for 2011 which redirected the 2011 tobacco settlement monies away from the Tobacco Settlement Fund and Health Account violated Article IV, Section 2 of the

Pennsylvania Constitution which requires that pursuant to the executive power vested in the Governor, the Governor shall insure that the laws of Pennsylvania are faithfully executed.

142. By requesting that the tobacco settlement monies be redirected, the Governor and the Secretary of Budget were knowingly acting in violation of the Tobacco Settlement Act which requires that such monies be deposited into the Tobacco Settlement Fund and the Health Account.

WHEREFORE, Petitioners respectfully request that judgment be entered against the Respondents to redress their violations of Pennsylvania's Constitution and that the Court award the following relief:

- a) An Order declaring that this action is properly maintained as a class action;
- b) An Order declaring that the Respondents have violated the Pennsylvania Constitution by redirecting tobacco settlement money away from the Tobacco Settlement Fund and Health Account;
- c) That this Court order that such other and further relief as may be appropriate under the circumstances including, but not limited to, issuing a declaration requiring that tobacco settlement monies to be received by the Department of Treasury on or about April 15, 2011 and into the future be appropriately deposited into the Tobacco Settlement Fund and Health Account;
- d) An Order declaring that the Tobacco Settlement Fund and the Health Account be reimbursed by the Commonwealth for tobacco settlement monies which were not but should have been deposited with the Tobacco Settlement Fund and Health Account beginning in 2006 through the present;
- e) That the Court order the reestablishment of the adultBasic Insurance Coverage Program and that the Program be reinstated retroactively to provide coverage on and after March 1, 2011;
- f) An Order requiring the Respondents to provide an accounting of the tobacco settlement monies received since 2000 as well as an

account of the Tobacco Settlement Fund and Health Account from 2000 to the present;

- g) That the Court award to the Petitioners' attorneys for the class reasonable attorneys' fees from the amounts determined to be inappropriately redirected away from the Tobacco Settlement Fund and Health Account; and,
- h) That this Court award to the Petitioners in the class such other relief as the Court deems appropriate.

COUNT V.
Injunctive Relief

Petitioners v. Department of Treasury

- 143. Petitioners incorporate by reference as though fully set forth herein at length the allegations in Paragraphs 1 through 142 above.
- 144. The Department of Treasury has failed to deposit with the Tobacco Settlement Fund and the Health Account the appropriate monies from the Master Settlement Agreement as required under 35 P.S. §5701.303 (a) and (b)
- 145. The Tobacco Settlement Fund and the Health Account, which were intended to manage funds which would make Pennsylvanians healthier and to fund the health of future generations of Pennsylvanians, have been unlawfully reduced and their monies have been diverted to other purposes in violation of the Tobacco Settlement Act.
- 146. Pursuant to the Tobacco Master Settlement Agreement, on or about April 15 of each year from 2000 onward for a minimum of 25 years, a settlement payment is to be forwarded to the Commonwealth of Pennsylvania.

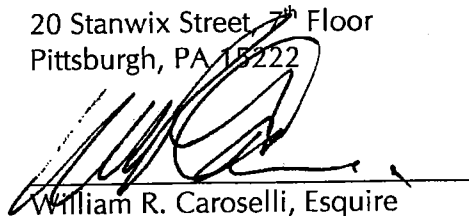
147. Because such settlement monies are expected to be received by the Commonwealth on or about April 15, 2011 and because as more fully alleged in this Petition it is believed that these monies will be redirected by the Respondents away from the Tobacco Settlement Fund and the Health Account, it is requested that this Court issue injunctive relief to require that the Department of Treasury upon receipt of tobacco settlement monies for the year 2011 maintain such funds within its accounts until such time as the Court rules on the merits of this Petition for Review.

WHEREFORE, Petitioners respectfully request that an injunction be entered against the Defendant, Department of Treasury, and that an Order be issued requiring the Department of Treasury to maintain within its accounts any tobacco settlement monies received pursuant to the Master Settlement Agreement until such time as the Court rules on the merits of this Petition for Review.

Respectfully submitted,

CAROSELLI BEACHLER McTIERNAN
& CONBOY LLC
20 Stanwix Street, 7th Floor
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By:



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- And-

CAROSELLI BEACHLER McTIERNAN
& CONBOY LLC
1500 Walnut Street, Suite 507
Philadelphia, PA 19102

By:

A handwritten signature in black ink, appearing to read "David S. Senoff", written over a horizontal line.

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Lauren C. Fantini, Esquire

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CERTIFICATE OF SERVICE

I hereby certify that I am this 4th day of April, 2011 serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121 and 1514(c):

Service by first class mail addressed as follows:

Calvin R. Koons, Esq.
Pennsylvania Office of Attorney General
Strawberry Square, 15th Floor
Harrisburg, PA 17120
Counsel for Governor Tom Corbett and Secretary of the Budget Charles Zogby

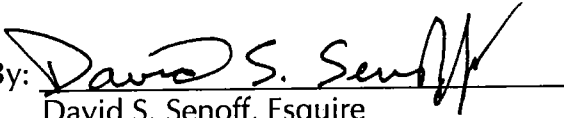
Jonathan Bloom, Esquire
Stradley Ronan Stevens & Young, LLP
2005 Market Street, Suite 2600
Philadelphia, PA 19103
Counsel for The House of Representatives of the Commonwealth of Pennsylvania; Samuel H. Smith, in his official capacity as Speaker of the House of Representatives; The Senate of the Commonwealth of Pennsylvania; and Joseph B. Scarnati, III, in his official capacity as President Pro Tempore of the Senate

Heath Goldstein, Intervenor Pro Se
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Harrisburg, PA 17120

Department of the Treasury Commonwealth of Pennsylvania
129 Finance Building
Harrisburg, PA 17120

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Pittsburgh, Pennsylvania 15222

By: 
David S. Senoff, Esquire
William R. Caroselli, Esquire
Susan A. Meredith, Esquire
Lauren C. Fantini, Esquire
Attorneys for Petitioners

VERIFICATION

The undersigned Plaintiff, KATHLEEN DEVLIN, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 15, 2011


KATHLEEN DEVLIN

VERIFICATION

The undersigned Plaintiff, RANDELL DEVLIN, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 15, 2011



RANDELL DEVLIN

VERIFICATION

The undersigned Plaintiff, SALLYE FISCUS, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

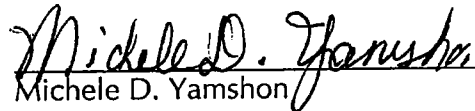
DATE: March 16, 2011

Sallye Fiscus
Sallye Fiscus

VERIFICATION

The undersigned Plaintiff, MICHELE D. YAMSHON, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 15, 2011


Michele D. Yamshon

VERIFICATION

The undersigned Plaintiff, Daniel Cecchetti, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. -- §4904 relating to unsworn falsification to authorities.


DATE: 3-16-11


Daniel Cecchetti

VERIFICATION

The undersigned Plaintiff, Nicholas Balandiat, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: MARCH 15, 2011


Nicholas Balandiat
Nicholas Balandiat

VERIFICATION

The undersigned Plaintiff MADELINE MARTUCCI herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-16-2017

Madeline Martucci
MADELINE MARTUCCI

VERIFICATION

The undersigned Plaintiff **VICKI L. MAZZAFERRO** herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

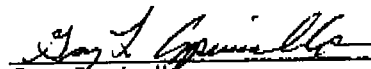
DATE: 03/17/2011


VICKI L. MAZZAFERRO

VERIFICATION

The undersigned Plaintiff, Gary Carpinello, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 17, 2011




Gary Carpinello

VERIFICATION

The undersigned Plaintiff Karen Carpinello herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 17, 2011



Karen Carpinello

VERIFICATION

The undersigned Plaintiff DIANE HOLBERT herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of her information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-17-11

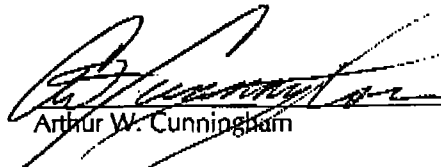
Diane Holbert
DIANE HOLBERT

VERIFICATION

The undersigned Plaintiff, Arthur W. Cunningham herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

3/16/11



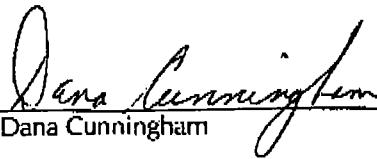
Arthur W. Cunningham

VERIFICATION

The undersigned Plaintiff, Dana Cunningham herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: _____

3/16/11



Dana Cunningham

VERIFICATION

The undersigned Plaintiff, Dolores Libiondo, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-17-2011

Dolores Libiondo
DOLORES LIBIONDO

VERIFICATION

The undersigned Plaintiff, Michael Lobiondo, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

3-17-11


MICHAEL LOBIONDO

VERIFICATION

The undersigned Plaintiff Blanche Hoover herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 17, 2011

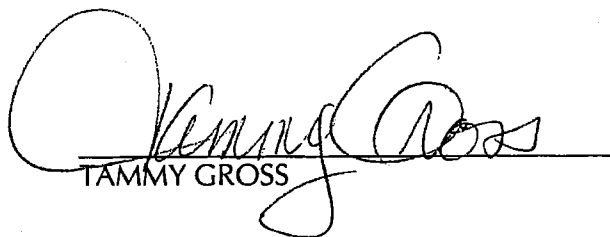
Blanche Hoover
Blanche Hoover

VERIFICATION

The undersigned Plaintiff, Tammy Gross, herein avers that the statements of fact contained in the foregoing PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

April 18, 2011


TAMMY GROSS

VERIFICATION

The undersigned Plaintiff, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

3/17/11

Valerie Benko
Valerie Benko

VERIFICATION

The undersigned Plaintiff, **JOSEPH D. STEINER**, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 17, 2011

Joseph D. Steiner
JOSEPH D. STEINER

VERIFICATION

The undersigned Plaintiff herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3/20/11

Teresa Liberato
Teresa Liberato

VERIFICATION

The undersigned Plaintiff, Alicia Rager, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

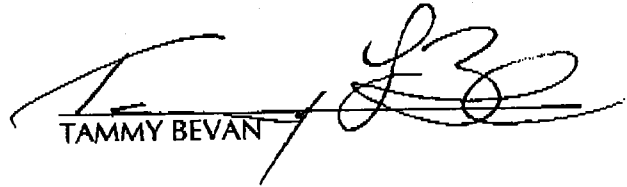
DATE: 3/16/11

Alicia Rager
Alicia Rager

VERIFICATION

The undersigned Plaintiff Tammy Bevan herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 03-17-2011

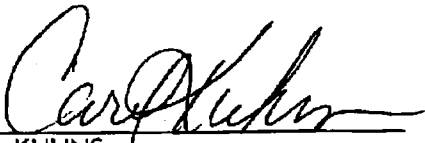

TAMMY BEVAN

VERIFICATION

The undersigned Plaintiff, Carol Kuhns, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

March 17, 2011

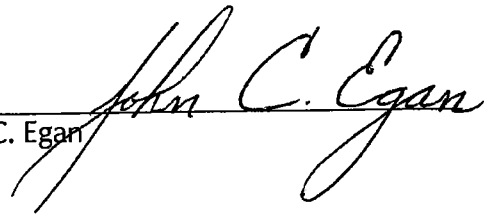

CAROL KUHNS

VERIFICATION

The undersigned Plaintiff herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: MARCH 18, 2011

John C. Egan

A handwritten signature in black ink that reads "John C. Egan". The signature is written in a cursive style with a large, sweeping initial "J".

VERIFICATION

The undersigned Plaintiff herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

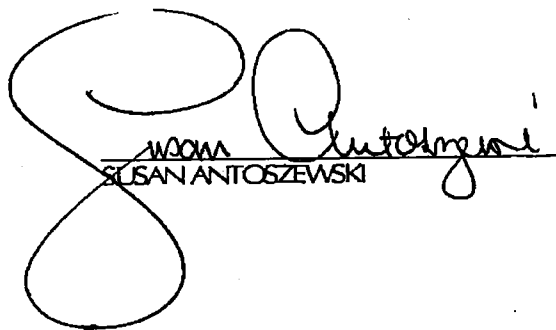
DATE: 3-21-2011

Cynthia Brazen
Cynthia Brazen

VERIFICATION

The undersigned Plaintiff SUSAN ANTOSZEWSKI herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3.18.11


WOMAN
SUSAN ANTOSZEWSKI

VERIFICATION

The undersigned Plaintiff Angela Stetz herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-22-11


Angela Stetz

VERIFICATION

The undersigned Plaintiff LINDA M. SAUNDERS herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 13, 2011

Linda M. Saunders
LINDA M. SAUNDERS

VERIFICATION

The undersigned Plaintiff Bonnie Zuzo herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 18, 2011

Bonnie Zuzo
Bonnie Zuzo

VERIFICATION

The undersigned Plaintiff, Mary Gallagher herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

3/17/11

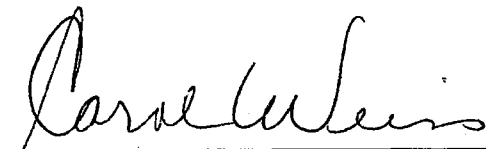
Mary Gallagher
Mary Gallagher

VERIFICATION

The undersigned Plaintiff Carol Weiss herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

3/20/11



Carol Weiss

VERIFICATION

The undersigned Plaintiff LINDA GORSUCH herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

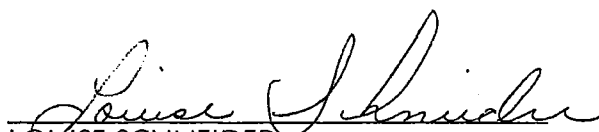
DATE: 3-21-2011


LINDA GORSUCH

VERIFICATION

The undersigned Plaintiff LOUISE SCHNEIDER herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

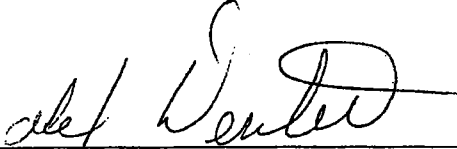
DATE: 3-20-11


LOUISE SCHNEIDER

VERIFICATION

The undersigned Plaintiff, Alex Deritis, herein avers that the statements of fact contained in the foregoing AMENDED COMPLAINT are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: MARCH-18-2011

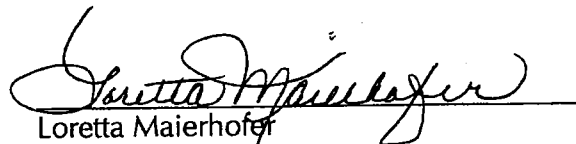


Alex Deritis

VERIFICATION

The undersigned Plaintiff herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 20, 2011


Loretta Maierhofer

VERIFICATION

The undersigned Plaintiff SHARON THIR herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3/19/2011

Sharon H. Thir
SHARON THIR

VERIFICATION

The undersigned Plaintiff BECKY THIR herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-20-2011



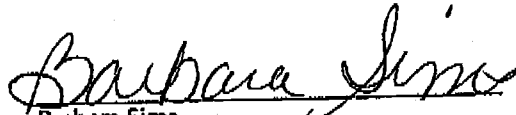
BECKY THIR

VERIFICATION

The undersigned Plaintiff Barbara Sims herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

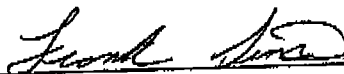
3-21-11


Barbara Sims

VERIFICATION

The undersigned Plaintiff, Frank Sims, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3/21/2011



Frank Sims

VERIFICATION

The undersigned Plaintiff CAROL L. DEVERS herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

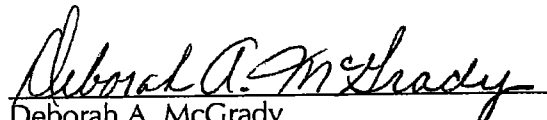
March 22, 2011

Carol L. Devers
CAROL L. DEVERS

VERIFICATION

The undersigned Plaintiff herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3 21, 2011


Deborah A. McGrady

VERIFICATION

The undersigned Plaintiff, Debbie Kraft, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

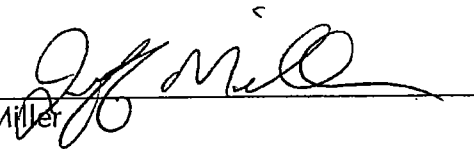
DATE: 3/18/2011

Debbie Kraft
Debbie Kraft

VERIFICATION

The undersigned Plaintiff, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 03 -19, 2011



Jeff Miller

VERIFICATION

The undersigned Plaintiff, William A. Roth, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3/22/11



WILLIAM A. ROTH

VERIFICATION

The undersigned Plaintiff, Bonnie Lipstein, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.


DATE: 3-21-11

Bonnie Lipstein
Bonnie Lipstein

VERIFICATION

The undersigned Plaintiff, Thomas R. Haberman, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 22, 2011



Thomas R. Haberman

VERIFICATION

The undersigned Plaintiff, David Lipstein, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-21-11



David Lipstein

VERIFICATION

The undersigned Plaintiff Kelly L. Richards herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 09-22-11

Kelly L. Richards
KELLY L. RICHARDS

VERIFICATION

The undersigned Plaintiff, DAVID DAWSON, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: _____

March 21-2011

David Dawson

DAVID DAWSON

VERIFICATION

The undersigned Plaintiff Jeanine Richards herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-22-11


JEANINE RICHARDS

VERIFICATION

The undersigned Plaintiff Victoria D. Hartsek herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

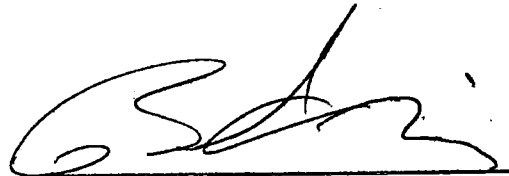
DATE: 3-21-11

Victoria D. Hartsek
VICTORIA D. HARTSEK

VERIFICATION

The undersigned Plaintiff, Barbar L. Miller, herein avers that the statements of fact contained in the foregoing PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE 15 MARCH 2011

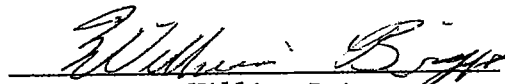


Barbara L. Miller

VERIFICATION

The undersigned Plaintiff, William Briggs, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.


DATE: 3/21/11


William Briggs

VERIFICATION

The undersigned Plaintiff, Joda L. Schena, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of her information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-24-2011



Joda L. Schena

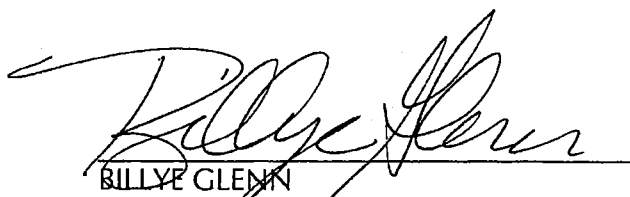
VERIFICATION

The undersigned Plaintiff BILLYE GLENN herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

March 19, 11

BILLYE GLENN



VERIFICATION

The undersigned Plaintiff, David McKee, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of his information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-25-11

David McKee
David McKee

VERIFICATION

The undersigned Plaintiff DORA M. ALEXANDER herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

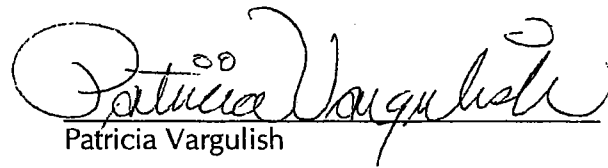
DATE: 3-25-11

Dora M. Alexander
DORA M. ALEXANDER

VERIFICATION

The undersigned Plaintiff herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-24-11


Patricia Vargulish

VERIFICATION

The undersigned Plaintiff CHRISTINA A. MILLER herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: March 23, 2011

Christina A. Miller
CHRISTINA A. MILLER

VERIFICATION

The undersigned Plaintiff KRISTYN L. CORCORAN herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.


DATE: 3-23-11


KRISTYN L. CORCORAN

VERIFICATION

The undersigned Plaintiff, JAMES J. CORCORAN herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3/23/11



JAMES J. CORCORAN

VERIFICATION

The undersigned Plaintiff BEVERLY A. CORCORAN herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3/23/2011

Beverly A. Corcoran
BEVERLY A. CORCORAN

VERIFICATION

The undersigned Plaintiff Barbara A. Beam herein avers that the statements of fact contained in the foregoing PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

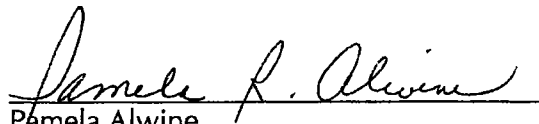
DATE: 3-28-2011

Barbara A Beam
BARBARA A. BEAM

VERIFICATION

The undersigned Plaintiff herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3/23/11


Pamela Alwine

VERIFICATION

The undersigned Plaintiff, **SHAWN E. WILLIS**, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3-24-11


SHAWN E. WILLIS

VERIFICATION

The undersigned Plaintiff **BIANCA L. WILLIS** herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3/24/11

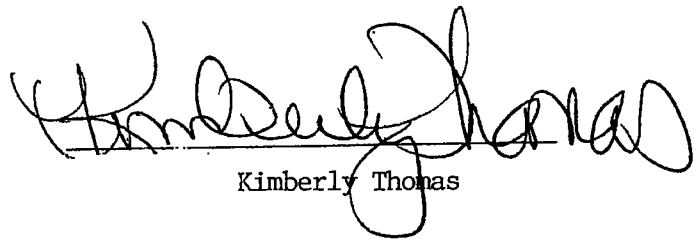
Bianca L. Willis
BIANCA L. WILLIS

VERIFICATION

The undersigned Plaintiff, ^{Kimberly Thomas}, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

3/21/11


Kimberly Thomas

VERIFICATION

The undersigned Plaintiff, Joan O'Shea, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of her information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

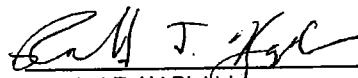
DATE: March 24 2011

Joan O'Shea
Joan O'Shea

VERIFICATION

The undersigned Plaintiff, RONALD KAPLAN, herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3/23/11

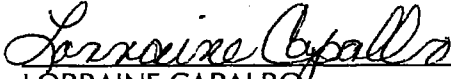


RONALD KAPLAN

VERIFICATION

The undersigned Plaintiff, Lorraine Capalbo herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HER information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

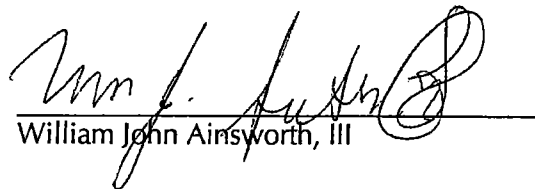
DATE: 3/23/11


LORRAINE CAPALBO

VERIFICATION

The undersigned Plaintiff herein avers that the statements of fact contained in the foregoing AMENDED PETITION FOR REVIEW are true and correct to the best of HIS information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 3/23/11



William John Ainsworth, III