

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

**DAVID W. SMITH and DONALD  
LAMBRECHT,**

**Petitioners**

**v.**

**GOVERNOR THOMAS W. WOLF, in his  
Official Capacity as Governor of the  
Commonwealth of Pennsylvania; and  
COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
HUMAN SERVICES,**

**Respondents**

**No. 177 M.D. 2015**

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**STIPULATIONS**

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Petitioners and Respondents hereby enter into the following stipulations.

1. Respondents Governor Thomas W. Wolf and Department of Human Services (“Respondents”), their officers, staff, employees, representatives, agents, intermediaries, officials, direct or indirect contractors, and/or any other person or persons acting on Respondents’ behalf, individually or collectively, will suspend, by October 31 2017, any Direct Care Worker (“DCW”) orientation programs, including the “DCW Program Orientation” described at Rider 3 of the attached Grant Agreement, Amendment 3, or any program or activity substantively similar to the DCW Program Orientation and maintain such suspension until the Pennsylvania Supreme Court renders a decision on the merits

in *Smith v. Wolf*, No. 110 MAP 2016. This suspension shall not constitute a waiver as to any and all rights, defenses, claims, and arguments that Respondents have and shall be without prejudice to Respondents' ability to raise such rights, defenses, claims, and arguments.

2. Respondents shall notify Petitioners, in writing, on or before November 6, 2017 whether the DCW Program Orientation has been suspended consistent with ¶ 1.
3. The Petitioners shall withdraw their pending Application for Relief without prejudice by or on October 9, 2017. Petitioners' withdrawal of their Application for Relief shall not constitute a waiver as to any and all rights, defenses, claims, and arguments that Petitioners have and shall be without prejudice to Petitioners' ability to raise such rights, defenses, claims, and arguments.
4. The Parties agree that this Stipulation is not intended to constitute a Consent Decree under the Commonwealth Attorneys Act, 71 P.S. § 732.101, et seq.
5. Petitioners also agree to withdraw, without prejudice, their pending Motion to Compel by or on October 9, 2017 and also agree to immediately withdraw, without prejudice, any and all discovery

requests and subpoenas and deposition notices. The Parties agree that all such discovery is deemed terminated, withdrawn, and otherwise ceased.

**AGREED TO:**



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**David Randel Osborne, Esquire**  
**The Fairness Center**  
**225 State Street, Suite 303**  
**Harrisburg, PA 17101**  
*Counsel for Petitioners*



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**KENNETH L. JOEL**  
**Chief Deputy Attorney General**  
*Counsel for Respondents*