

NOT FOR PUBLICATION

(Doc. Nos. 72, 73)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

ALMA GALLETTA, ESTHER STOLLER, :
OPAL BOVA, and ROSALIE :
BARBAGALLO, individually and :
on behalf of themselves and all others :
similarly situated, :

Plaintiffs, :

v. :

JENNIFER VELEZ, COMMISSIONER, :
NEW JERSEY DEPARTMENT OF :
HUMAN SERVICES; VALERIE HARR, :
DIRECTOR, NEW JERSEY DIVISION :
OF MEDICAL ASSISTANCE AND :
HEALTH SERVICES, BERGEN :
COUNTY BOARD OF SOCIAL :
SERVICES, MORRIS COUNTY BOARD :
OF SOCIAL SERVICES, MONMOUTH :
COUNTY BOARD OF SOCIAL :
SERVICES, AND OCEAN COUNTY :
BOARD OF SOCIAL SERVICES, :

Defendants. :

Civil No. 13-532 (RBK/AMD)

ORDER

THIS MATTER having come before the Court on the motion for summary judgment (Doc. No. 72) of Esther Stoller (“Plaintiff”), and upon the motion to dismiss (Doc. No. 73) of Defendants Jennifer Velez, Commissioner of the New Jersey Department of Human Services and Valerie Harr, Director of New Jersey Division of Medical Assistance and Health Services (the “State Defendants”), and the Court having considered the moving papers and responses thereto, and for the reasons expressed in the Opinion issued this date;

IT IS HEREBY ORDERED that Plaintiff's motion is **GRANTED IN PART**. As expressed in the Opinion accompanying this Order, the State Defendants and Defendant Monmouth County Division of Social Services are ordered to re-determine Plaintiff's eligibility for the Medicaid program that is the subject of this action, and they are further enjoined from including the amount of her benefit received through the Department of Veterans Affairs in the calculation of her countable income. Plaintiff's motion is **DENIED** to the extent that it seeks the other relief described in the First Amended Class Action Complaint.

IT IS HEREBY FURTHER ORDERED that the State Defendants' motion to dismiss is **DENIED**.

Dated: 6/3/2014

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge