

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-4000

MARIANNE DUFFY, by her parents and legal guardians, Sean and
Elise Duffy

v.

SECRETARY VINCENT MECONI, Delaware Department of Health & Social
Services, in his official capacity;
DIRECTOR MARIANNE SMITH, Division of Developmental Disabilities
Services, in her official capacity;
DIRECTOR ELAINE ARCHANGELO, Division of Social Services, in her
official capacity;
ATTORNEY GENERAL JANE M. BRADY;
DIRECTOR HARRY HILL, Director, Division of Medicaid and Medical
Assistance Vincent
Meconi, Marianne Smith,
Elaine Archangelo, Harry Hill,

Appellants

On Appeal from the United States District Court
for the District of Delaware
(Honorable Gregory M. Sleet)

Calendared for Disposition: 7/24/2008

Before: McKee, Fuentes, and Weis, Circuit Judges.

ORDER OF THE COURT

In light of the parties' having notified the Court that they have agreed to settlement of this case, contingent upon the District Court's grant of a motion to vacate the Opinion and Order of September 11, 2007, it is hereby ORDERED as follows:

- (1) Oral argument in this matter, previously scheduled for July 24, 2008, is CANCELLED.
- (2) This matter is REMANDED, in part, to the District Court for the limited purpose of considering the parties' motion to vacate the Opinion and Order of September 11, 2007.
- (3) In the event the motion to vacate is granted, the parties shall file a dismissal agreement with the Clerk of this Court in accordance with Fed. R. App. P. 42(b).
- (4) This Court shall retain jurisdiction in the event that the District Court denies the motion to vacate its Opinion and Order.

BY THE COURT:

/s/ Theodore A. McKee

Circuit Judge

Dated: July 17, 2008
MB/cc: Daniel G. Atkins, Esq.
MaryBeth Musumeci, Esq.

Jane Perkins, Esq.
Sarah Somers, Esq.
Patrick T. Ryan, III, Esq.
Aleph Ann Woolfold, Esq.