

ORIGINAL

IN THE SUPREME COURT OF OHIO

ESTATE OF MARCELLA ATKINSON,

Appellant,

v.

OHIO DEPARTMENT OF JOB AND  
FAMILY SERVICES,

Appellee.

CASE NO. 13-1773

On Appeal from the Knox County Court of  
Appeals, Fifth Appellate District

Court of Appeals Case No. 13CA4

APPELLANT ESTATE OF MARCELLA ATKINSON'S  
NOTICE OF SUPPLEMENTAL AUTHORITY

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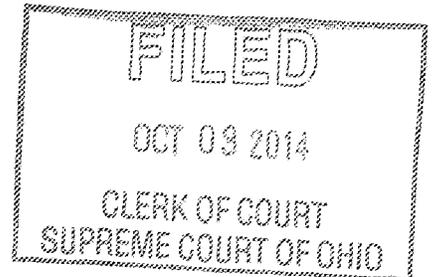
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## NOTICE OF SUPPLEMENTAL AUTHORITY

Now comes Appellant, Estate of Marcella Atkinson and hereby submits the following case as Supplemental Authority pursuant to S. Ct. Prac. R. 17.09(B):

*Martha Wagner, et al. v. John B. McCarthy*, S.D. Ohio No. 1:14cv00648, 2014 U.S. Dist. LEXIS 136138 (Sept. 26, 2014) (granting preliminary injunction; enjoining Ohio Dept. of Job and Family Services from interpreting Ohio regulations to impose restricted coverage on plaintiffs due to transfer of community resource for the sole benefit of community spouse after institutionalization but before date of eligibility, and from taking any position inconsistent with decision in *Hughes v. McCarthy*; and noting in event of noncompliance court will hold contempt hearing and “consider issuing an Order demanding the Centers for Medicare & Medicaid Services and the Department of Health and Human Services withhold federal funding of Ohio’s Medicaid program in light of Defendant’s non-compliance with federal law.”)

Appellant submits this authority in support of both its propositions of law.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

A copy of the foregoing, *Appellant Estate of Marcella Atkinson's Notice of Supplemental Authority*, was served by First Class United States Mail, postage prepaid, upon the following this 3 day of October, 2014:

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