

cc: All counsel, judges,

(215)
10-10-02
MA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD VIETH, NORMA JEAN :
VIETH, and SUSAN FURNEY, :

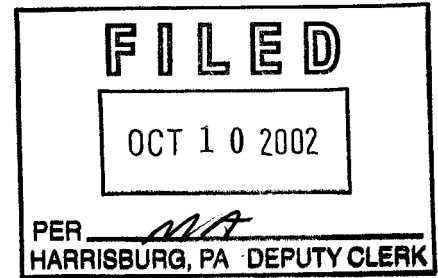
CIVIL NO. 1:CV-01-2439

Plaintiffs :

v. :

COMMONWEALTH OF :
PENNSYLVANIA, et al., :

Defendants :



ORDER

Currently before the court is a motion filed by *amicus curiae*, Senator Robert J. Mellow, to stay this matter pending resolution of state court proceedings.

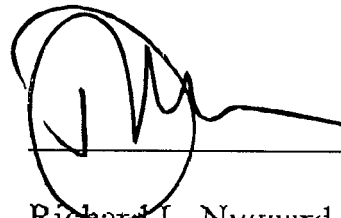
Having considered the motion, **IT IS HEREBY ORDERED THAT:**

(1) The parties shall file memorandum on or before Friday, October 17, 2002, addressing the following questions:

- (A) Whether this litigation should be stayed pending disposition by the state court of *Mellow v. Schweiker, et al.*, Commonwealth Court Number 725-MD-2002; and
- (B) Whether *amicus curiae*, Senator Robert J. Mellow, has standing to file a motion for stay in this case.

- (2) The hearing scheduled in this matter for Tuesday, October 15, 2002 at 1:30 PM is **POSTPONED** and will be rescheduled at the convenience of the court.

IT IS SO ORDERED.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by several vertical strokes and a horizontal line extending to the right.

Richard L. Nygaard
United States Circuit Judge on
behalf of the panel

DATED: October , 2002