



Thomas B. York, Esquire  
Phone: 717.236.YORK  
(9675)

Facsimile: 717.236.6919

Email: tyork@yorklegalgroup.com

March 2, 2012

Southeast Virginia Training Center Parents' Organization  
Southwest Virginia Training Center Parents' Organization  
Families and Friends United for Central Virginian Training Center  
Parents' Organization of Southside Virginia Training Center  
Northern Virginian Parents and Associates

c/o Peter Kinzler, Esquire (guardian liaison)  
7310 Stafford Rd.  
Alexandria, VA 22307

Re: **Representation of Training Center Residents and Guardians as Intervenors  
in U.S. v. Virginia, 3:12-cv-059 (E.D. VA 2012)**

Dear Guardians:

The York Legal Group LLC was contacted by parents and guardians of individuals living in the Commonwealth of Virginia's five training centers for the developmentally disabled in relation to the above-referenced matter. With the cooperation of their respective training center parents' organizations, the guardians have retained the York Legal Group LLC to represent their interests in the matter of United States v. Commonwealth of Virginia.

As you are aware, on January 26, 2012, the United States Department of Justice ("DOJ") filed a civil action in the United States District Court for the Eastern District of Virginia, against the Commonwealth of Virginia ("Commonwealth"), alleging violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12131-12134. Simultaneously, the United States, with the concurrence of the Commonwealth of Virginia, filed an executed settlement agreement which the parties submitted for approval by the Court. The settlement agreement, among other things, calls for the closure of four (4) of the five (5) training centers currently operated by the Commonwealth. The settlement agreement was executed by the Commonwealth and the United States without the full participation of residents, or parents or guardians of those residents.


Today, on March 2, 2012, the following pleadings were filed on behalf of the residents at the five training centers:

- Motion to Intervene
- Memorandum of Law in Support of Motion to Intervene
- Motion to Dismiss
- Memorandum of Law in Support of Motion to Dismiss

The Motion to Intervene and accompanying Memorandum of Law present arguments that the residents (through their guardians) have a concrete and substantial interest in this action and that the original parties are not adequately representing those interests, as demonstrated by the Settlement Agreement executed by the DOJ and the Commonwealth which stands directly in conflict with the choice of residents to receive services in a state-operated ICF/MR as informed by the professional judgments of treating health care providers. The Motion to Dismiss and accompanying Memorandum of Law challenges the authority of the United States Department of Justice to institute an ADA action unless it brings such action under the Civil Rights of Institutionalized Persons Act ("CRIPA"). The Motion to Dismiss was filed as an attachment to the Motion to Intervene as required by the Federal Rules of Civil Procedure. In the event that the Judge grants the proposed intervention, the Motion to Dismiss and accompanying Memorandum of Law will be formally filed as the Intervenors' first pleading.

We sincerely look forward to our continued representation of your interests in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas B. York". The signature is written in a cursive style with a large, looping initial "T".

Thomas B. York