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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 KATIE A. by and through her next friend) CASE NO. CV-02-05662 AHM (SHx)
16 Michael Ludin; MARY B. by and through)
17 her next friend Robert Jacobs; JANET C. by) ORDER GRANTING PRELIMINARY
18 and through her next friend Dolores) APPROVAL OF CLASS ACTION
19 Johnson; HENRY D. by and through his) SETTLEMENT
20 next friend Gillian Brown: AND GARY E.)
21 by and through his next friend Michael)
22 Ludin; individually and on behalf of others)
23 similarly situated,)
24)
25)
26)
27)
28)
Plaintiffs,)
v.)

Date: September 27, 2011
Time: 2:00 p.m.
Courtroom: 14
Judge: A. Howard Matz

21 DIANA BONTA, Director of California)
22 Department of Health Services; LOS)
23 ANGELES COUNTY; LOS ANGELES)
24 COUNTY DEPARTMENT OF CHILDREN)
25 AND FAMILY SERVICES; ANITA)
26 BLOCK, Director of the Los Angeles)
27 County Department of Children and Family)
28 Services; RITA SAENZ, Director of the)
California Department of Social Services,)
and DOES 1 through 100, Inclusive)
Defendants.)

1 CONTINUED ATTORNEYS FOR PLAINTIFFS:

2
3 MARK D. ROSENBAUM, SBN 59940
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CONTINUED ATTORNEYS FOR PLAINTIFFS:

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1 The Court, having read and considered the proposed settlement agreement
2 (“Settlement Agreement”) of the claims in this lawsuit between plaintiffs and
3 defendants California Department of Health Care Services (“CDHCS”), formerly
4 known as the California Department of Health Services), and California
5 Department of Social Services (“CDSS”) (hereinafter collectively “State
6 defendants”), the proposed Stipulated Judgment, and plaintiffs’ motion for
7 preliminary approval of this settlement,

8 **IT IS HEREBY ORDERED:**

- 9 1. The Court gives its preliminary approval to the proposed Settlement
10 Agreement of this lawsuit between plaintiffs and State defendants and the
11 related Stipulated Judgment. A fairness hearing shall be held on
12 December 1, 2011, in Courtroom 14 of this Court, at 2:00 p.m., to hear
13 the objections of class members, if any are made, to the final approval of
14 the Settlement Agreement and entry of the Stipulated Judgment.
15 Plaintiffs’ motion for an award of attorneys’ fees, costs and litigation
16 related expenses shall also be heard on the same date and time or
17 immediately thereafter.
- 18 2. With one exception, the Court approves the proposed notice to class
19 members, a copy of which is attached as Exhibit A to State defendants’
20 Supplemental Statement (Document No. 758). The sentence at page 8 of
21 the notice should be modified to read as follows: “The full official
22 records of this lawsuit is available to review during regular office hours
23 at the United States District Court, Central District of California, Clerk of
24 the Court, 312 N. Spring Street, Los Angeles, California 90012.”
25 However if this modification to the notice will delay its issuance beyond
26 October 11, 2011, State defendants need not make this modification.
- 27 3. To effectuate notice to potential class members of the Settlement
28 Agreement and their rights thereunder, within fourteen (14) calendar days

1 of the Court’s preliminary approval of the Settlement Agreement, the
2 following shall occur:

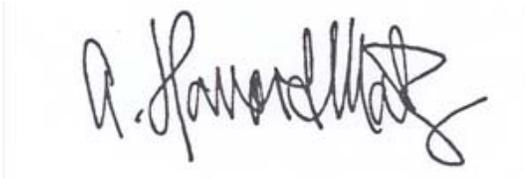
- 3 a. DSS, DHCS, and the California Department of Mental Health
4 (“CDMH”) shall post copies of the full Settlement Agreement,
5 proposed Stipulated Judgment, and notice and accompanying
6 attachments in English and Spanish on their respective websites;
- 7 b. CDMH shall distribute the notice and entire Settlement Agreement
8 (or a link to them) to the counties with a request that the notice and
9 entire Settlement be posted in prominent locations in county offices
10 providing mental health services to children and youth;
- 11 c. CDMH shall send the notice to United Advocates for Children and
12 Families (UACF), which will e-mail copies of the notice to 1500
13 family members, youth and child serving agencies that belong or are
14 affiliated with UACF;
- 15 d. CDSS shall distribute the notice and entire Settlement Agreement (or
16 a link to them) to the counties with an instruction that the notice and
17 entire Settlement be posted in prominent locations in county offices
18 providing child welfare services;
- 19 e. CDSS shall mail the notice to all group home providers with an
20 instruction that they post the notice in their group homes;
- 21 f. CDSS shall e-mail the notice (or a link to it) to the 58 County Foster
22 Care Ombudsmen offices and instruct the offices to share the
23 information as well as post the notice on the State and local
24 Ombudsmen websites;
- 25 g. CDSS shall e-mail the notice (or a link to it) to the California
26 Caregiver Advocacy Network;
- 27 h. CDSS shall distribute the notice (or a link to it) to its e-mail
28 distribution list of the directors of the county probation programs and
to the County Welfare Directors Association;

- 1 i. CDSS shall e-mail the notice (or a link to it) to its e-mail distribution
2 list of County Independent Living Coordinators instructing them to
3 share the information with their staff and foster youth;
- 4 j. CDSS shall distribute the notice and entire Settlement Agreement (or
5 a link to them) to its e-mail distribution list of the Transitional
6 Housing Programs with an instruction that the notice and entire
7 Settlement be posted in prominent locations in their sites that provide
8 transitional housing services;
- 9 k. CDSS shall provide a copy of the notice (or a link to it) to various
10 government, legal, child welfare and non-profit organizations to mail,
11 e-mail, or share a copy of the notice with individuals, attorneys, or
12 organizations that work with children in the child welfare system,
13 including the following organizations:
- 14 i. California CASA Association;
 - 15 ii. 200 Foster Family Agencies (“FFAs”);
 - 16 iii. California Alliance of Child and Family Services;
 - 17 iv. Chancellor’s Office for the California Community Colleges;
 - 18 v. Resource Center for Family Practice at University of California
19 Davis; and
 - 20 vi. California Youth Connection; and
- 21 l. Plaintiffs shall post notice of the Settlement on the listserves for the
22 National Association of Counsel for Children’s and Benchmark
23 Institute.
- 24 4. The notice shall provide that class members who wish to object to the
25 Settlement must file their written objections with the United States
26 District Court and serve on counsel for the parties no later than
27 November 18, 2011. Class members who do not timely file and serve
28 written objections in the manner specified above shall be deemed to have
waived any objections and shall be foreclosed from making any

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objections (whether by written objection, appearance at the fairness hearing, appeal or otherwise) to the Settlement.

- 5. The Court finds that the notice set forth in the preceding paragraphs are reasonably calculated to provide adequate notice to members of the Class of the proposed Settlement Agreement and Stipulated Judgment, and that the requirements of Rule 23 of the Federal Rules of Civil Procedure and the due process clause of the United States Constitution will be met with respect to those Class members.
- 6. No later than 28 days before the fairness hearing, plaintiffs shall file their motion for final approval of the Settlement Agreement and their motion for approval of the award of attorneys' fees, costs and expenses.
- 7. No later than November 23, 2011, State defendants shall file and serve a declaration reporting to the Court and counsel for the other parties as to their compliance with the notices provisions set forth above. In addition, the parties shall file any further papers relating to final approval of the Settlement Agreement.



Dated: September 30, 2011

A. Howard Matz
United States District Judge

APPROVED AS TO FORM:

/s/ Ernest Martinez

By: _____
Ernest Martinez
Deputy Attorney General