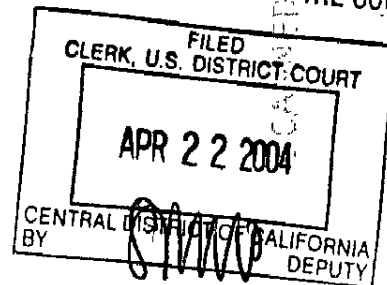


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NOTE CHANGES MADE BY THE COURT.



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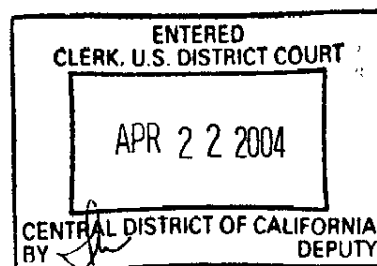
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EMILY Q et al.,
Plaintiffs,
v.
DIANA BONTÁ,
Defendant.

CASE NO. CV 98-4181 AHM (AJWx)

~~PROPOSED~~
AMENDED JUDGMENT AND
PERMANENT INJUNCTION



THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

1
2 The Order Granting Plaintiffs' Motion for Permanent Injunction was entered
3 on March 30, 2001, and a Judgment and Permanent Injunction based upon that
4 Order was entered on May 11, 2001. Thereafter, the parties entered into a
5 stipulation to amend portions of the Judgment. Based on the Stipulation and the
6 Declaration of Melinda Bird in support of the proposed amendments, and good
7 cause appearing,

8 IT IS ORDERED, ADJUDGED AND DECREED THAT:

9 1. By order dated May 5, 1999, this case has been certified as a class
10 action on behalf of the following: All current and future beneficiaries of the
11 Medicaid program below the age of 21 in California who: (a) are placed in a Rate
12 Classification Level facility of 12 or above and/or a locked treatment facility for the
13 treatment of mental health needs; (b) are being considered for placement in these
14 facilities; or (c) have undergone at least one emergency psychiatric hospitalization
15 related to their current presenting disability within the preceding 24 months.
16 Members of the plaintiff class shall not be eligible to receive therapeutic behavioral
17 services during their residency in those Institutions for Mental Disease which
18 disqualify them from receiving Medi-Cal services. However, while in such
19 facilities, members of the plaintiff class will be able to establish their eligibility to
20 receive therapeutic behavioral services immediately upon leaving the Institution for
21 Mental Disease.

22 2. Judgment is hereby entered in favor of all the named Plaintiffs and
23 members of the class against Defendant Diana Bontá, the current Director of the
24 California Department of Health Services ("DHS"), on all claims for relief in
25 Plaintiffs' first amended complaint. This Judgment does not resolve the issue of
26 whether members of the Plaintiff class are entitled to receive therapeutic behavioral
27 services that are not short term or transitional in nature and members of the Plaintiff
28 class expressly reserve the right to litigate these issues in the future. This Judgment
also does not address the question of whether Medi-Cal recipients below the age of

21 who are not members of the Plaintiff class (e.g., recipients with developmental disabilities) are entitled to receive therapeutic behavioral services through the Medi-Cal program.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT:

Defendant Diana Bontá, her successor in office, agents, employees, and all persons in active concert with such individuals, including DHS, the California Department of Mental Health ("DMH"), and the County Mental Health Plans ("MHPs"), or any of them are hereby enjoined as follows:

3. DMH shall inform MHPs that members of the class are eligible for Therapeutic Behavioral Services ("TBS") when other services are required and criteria are met, and the MHPs shall provide class members with TBS in accordance with the plan (a copy of which is Attachment "A" ^{the original} to this permanent injunction and incorporated herein by reference), and the directive from DMH, entitled "Therapeutic Behavioral Services," dated July 23, 1999 (a copy of which is Attachment "B" ^{the original} to this permanent injunction and incorporated herein by reference). The phrase, "when other services are required and criteria are met," means that for a child/youth to meet the medical necessity requirement, that child/youth must be receiving other specialty mental health services. This information is in the July 23, 1999 policy letter ^{original} (Attachment B).

4. DHS shall require each MHP to submit a letter reporting how it intends to implement TBS within that MHP's county, and DHS shall provide Plaintiffs' counsel with copies of these letters.

5. DHS shall provide, or arrange through others to provide, ongoing training and technical assistance to the MHPs, as well as to the staff at Metropolitan State Hospital and Napa State Hospital regarding the provision of TBS. In the design and delivery of this training, DHS shall consult with staff of the California

Department of Social Services who have developed training regarding "wraparound services" pursuant to Senate Bill 1631.

6. Insofar as there are written forms approving and denying TBS within the current Medi-Cal system, Defendant shall collect from each MHP, (1) copies of all written forms approving TBS for class members and (2) copies of all written notices denying, terminating or suspending TBS for class members. Defendant through the State of California Department of Mental Health shall make the copies available to plaintiffs' counsel for inspection on thirty (30) days notice and shall provide copies to plaintiffs' counsel within forty-five (45) days notice of a request therefore. Defendant shall report to Plaintiffs' counsel on a quarterly basis beginning on March 30, 2001 and ending on March 30, 2004, in its summary report, the total respective numbers of such approvals, denials, terminations and suspensions by MHP for each such quarter.

7. DHS shall require that each MHP ensures that class members shall have access to TBS when the requirements in the July 23, 1999 policy letter (Attachment B) are met and that the MHPs shall have sufficient mental health providers able and willing to provide TBS to ensure access to this service by class members.

- A. The July 23, 1999 policy letter (Attachment B) sets forth the criteria for Medi-Cal reimbursement of TBS. The child/youth must:
- 1) be a full-scope Medi-Cal beneficiary under age 21;
 - 2) meet the MHP medical necessity criteria; and

¹ The wraparound process is not a program or a type of process. The wraparound process can include any combination of services or supports. The guiding principle of the wraparound process is to do what is needed when it is needed to achieve the child/youth's treatment plan.

3) be a member of the certified class or the child/youth must have previously received TBS while a member of the certified class.

B. The July 23, 1999 policy letter (^{original} Attachment B) also sets forth the criteria for TBS eligibility as follows:

- 1) The child/youth must be receiving other specialty mental health services; and
- 2) The clinical judgment of the mental health provider indicates that it is highly likely that without the additional short-term support of TBS that:

- i) The child/youth will need to be placed in a higher level of residential care, including acute care because of a change in the child/youth's behaviors or symptoms which jeopardize continued placement in a current facility; OR
- ii) The child/youth needs this additional support to transition to a lower level of residential placement.

Although the child/youth may be stable in the current placement, a change in behavior or symptoms ^{is} are expected and TBS are needed to stabilize the child in the new environment.

8. Members of the class shall be entitled to receive TBS during the hours of day treatment intensive or day rehabilitation, as well as at other times.

9. Defendant shall provide a general informational notice describing Medi-Cal Early Periodic, Screening, Diagnosis and Treatment ("EPSDT") supplemental mental health services and where and how to obtain those services to the heads of all Medi-Cal beneficiary households with members under the age of 21, including households which are linked to Medi-Cal through their eligibility for Social Security benefits under the Supplemental Security Income ("SSI") program.

1
2 This notice shall be provided when a household's application for Medi-Cal benefits
3 is approved or when the beneficiary's Medi-Cal identification card is issued, and
4 annually thereafter. Defendant shall confer in good faith with Plaintiffs' counsel
5 regarding mutually agreeable text and format for this notice, but Defendant shall
6 make the final determination, subject to the Court's review. Defendant shall begin
7 providing this notice no later than 90 days from the date of entry of this Permanent
8 Injunction.

9 10. Within one year from the entry of this Permanent Injunction, Defendant
10 shall modify the following materials to include a description of EPSDT
11 supplemental mental health services and where and how to obtain them: the DHS
12 Child Health and Disability Prevention ("CHDP") brochure, the DHS brochure
13 entitled "What Medi-Cal Means to You," and the MHP brochures required by 9
14 C.C.R. § 1810.360. Defendant shall confer in good faith with Plaintiffs' counsel
15 regarding mutually agreeable text and format for these modifications, but Defendant
16 shall make the final determination, subject to the Court's review.

17 11. Defendant shall send the above mentioned general EPSDT
18 informational notice and a notice describing TBS to all children on Medi-Cal under
19 age 21 at the time that the child is admitted to Metropolitan State Hospital or to
20 Napa State Hospital and whenever these hospitals are informed that a child is being
21 considered for admission to the hospitals. Such notice need not be given to children
22 committed to Metropolitan State Hospital or Napa State Hospital by order of a court.
23 Defendant shall confer in good faith with Plaintiffs' counsel regarding mutually
24 agreeable text and format for this TBS notice, but Defendant shall make the final
25 determination, subject to the Court's review. Defendant has 120 days from the entry
26 of this Permanent Injunction to comply with this provision.

27 12. Defendant through the State of California Department of Mental Health
28 shall ensure that each MHP makes the necessary arrangements with those hospitals
with which that MHP has contracts for the delivery of specialty mental health

1
2 services to assure that the TBS notice and the general EPSDT informational notice
3 shall be given to all children on Medi-Cal under age 21 at the time of an emergency
4 psychiatric hospitalization. No later than February 19, 2004, Defendant shall issue a
5 directive instructing the MHPs to develop a system to comply with this requirement
6 within 60 days of the date of the directive.

7 13. Defendant shall make the necessary arrangements (or ensure that the
8 MHPs make the necessary arrangements) to assure that the TBS notice and the
9 general EPSDT informational notice are provided to all children on Medi-Cal under
10 age 21 at the time of admission to any Institution for Mental Disease in California or
11 any Rate Classification Level ("RCL") 12 facility (when the MHPs are involved in
12 the placement) or any RCL 13 or 14 facility. Within 120 days of entry of this
13 Permanent Injunction, Defendant shall provide the above notices to children in RCL
14 12 to 14 group homes.

15 14. For purposes of the above mentioned paragraphs 10 through 12, the
16 TBS notices shall be given to the child, and at least one adult who is a de facto or
17 legally authorized representative of the child, if there is any such adult.

18 A. "Authorized Representative" means any person or entity
19 authorized by law to act on behalf of any client or any person or
20 entity in fact acting on behalf of or helping provide support for
21 any client. Such person or entity may include but not be limited
22 to a minor's parent, a legal guardian, a conservator or a public
23 placement agency. See Cal. Code Regs. Tit. 22, § 80001(a)(9)
24 (2000)

25 B. The notice shall contain the following information:

- 26 1) Information about EPSDT services in general, including
27 specific information about TBS;
28 2) The definition of TBS;
3) TBS eligibility requirements; and

SCANNED

4) The contact point at the local MHP for requesting an assessment for TBS and other EPSDT services.

C. DMH shall require the MHPs to attempt to develop a memorandum of understanding with the local child welfare agency or the local dependency court under which a copy of the aforementioned notice would be attached to the initial court documents filed for all children.

D. Each MHP shall provide the aforementioned notice, on a one-time basis, to all panel attorneys and/or law firms which have agreed to accept court appointments in dependency proceedings, only to the extent that these names are available from the dependency court.

15. Within 90 days of entry of this Permanent Injunction, Defendant shall issue a directive which lists the mental health services which have been or may be covered as an EPSDT supplemental mental health service and shall provide information about the procedure for obtaining coverage of additional non-listed services as an EPSDT supplemental mental health service. Defendant shall distribute this directive to all MHPs.

16. Defendant shall adopt and implement procedures to ensure that prior to the placement of a class member in Metropolitan State Hospital, Napa State Hospital, a RCL 12 facility (when the MHPs are "involved" in the placement) or in any RCL 13 or 14 facility or an Institution for Mental Diseases, a form shall be completed by a qualified mental health practitioner certifying to the consideration of TBS for the child and the reason(s) for denying and/or not providing this mental health service for the child. Such certification need not be performed when children are committed by order of a court. An MHP is "involved" in the RCL 12 placement if: (1) the MHP has participated in an interagency review prior to placement; and (2) the child is receiving MHP services or has received an MHP assessment and the

1
2 MHP participates in the placement discussion; or (3) the MHP has done a screening
3 or assessment prior to placement under the provisions of SB 933. Defendant shall
4 adopt and implement similar procedures concerning completion of this certification
5 form at all regularly scheduled placement review meetings for class members at
6 Metropolitan State Hospital and Napa State Hospital.

7 A. The certification form shall describe the reason(s) for denying
8 and/or not providing TBS with sufficient specificity to enable the
9 minor or his/her de facto or authorized representative to
10 understand why TBS was not provided. The certification form
11 shall also certify one of the following statements:

- 12 1) To the best of the MHP's knowledge, the child would not be
13 eligible for Medi-Cal while at home, and therefore the child
14 would not be eligible for TBS while at home, or
15 2) TBS has been provided and the placement is still required, or
16 3) TBS has been considered and:
17 i) Has been determined to be inappropriate, or
18 ii) Is appropriate, but is not available, or
19 iii) Is appropriate, but was refused by family/caregiver or
20 the beneficiary.

21 B. Completion or failure to complete this form shall not prevent an
22 otherwise appropriate placement.

23 C. Defendant shall ensure that a copy of the TBS certification form
24 is provided to the child, at least one adult who is a de facto or
25 legally authorized representative of the child, if there is any such
26 adult, the child's court-appointed attorney, if any, and the child's
27 social worker, if any.

28 D. MHPs shall retain a copy of all TBS certification forms and
 make these forms accessible and available for annual on-site

1
2 compliance reviews by Defendant. During such reviews, a
3 statistically significant sample of forms shall be reviewed.

4 E. This provision is effective 90 days from entry of this Permanent
5 Injunction.

6 17. Defendant shall retain at least one mental health care practitioner who
7 meets the qualifications set forth below and is mutually agreeable to the parties to be
8 available to prepare an assessment of each class member who has been placed at
9 Metropolitan State Hospital or Napa State Hospital for three months or more. The
10 assessment shall address the feasibility of providing TBS to enable the child to
11 transition to a less restrictive level of care at discharge. The parties shall identify
12 mutually agreeable mental health care practitioners within thirty days of entry of this
13 Permanent Injunction. All assessments shall be completed and copies made
14 available to Plaintiffs' counsel and the applicable MHP within 180 days of entry of
15 this Permanent Injunction, or by a later date if the parties so stipulate. The mental
16 health care practitioner(s) shall possess qualifications that include training in
17 behavior analysis with an emphasis on positive behavior interventions.

18 18. Defendant shall provide TBS as a transition for children and youth in
19 state hospitals: (1) when medically necessary, (2) when TBS for the class member is
20 not duplicative of other Medi-Cal services; and (3) if Defendant's existing
21 procedures can be modified to entitle her to receive federal Medicaid
22 reimbursement.

23 19. Special Services for youth between the ages of 21 and 25:

24 A. The Defendant shall provide a fund of three-hundred fifty
25 thousand dollars (\$350,000.00) as a one-time disbursement for
26 one-to-one services that meet the service criteria set forth in
27 Department of Mental Health Letter 99-03, dated July 23, 1999,
28 which services (hereafter, "special services") shall be provided
solely pursuant to the terms of the agreement between the parties

1
2 to settle the appeal from the Judgment and Permanent Injunction
3 entered herein on May 11, 2001, which appeal was filed by the
4 Defendant on June 8, 2001, and in order to settle the disputes
5 between the parties to that appeal, and which services are not to
6 be labeled or deemed "compensatory therapeutic behavioral
7 services (TBS)" or construed in any way as creating a Medi-Cal
8 benefit.

9 B. The fund of \$350,000 will be transferred to the California
10 Institute of Mental Health/Cathie Wright Technical Assistance
11 Center (CWTAC) for distribution. Monies will be distributed
12 from the fund on a first-come, first-served basis until the fund is
13 exhausted. CWTAC will be entitled to a reasonable
14 administrative fee for this service, the amount of which will be
15 determined by CWTAC and Protection & Advocacy, Inc. (PAI),
16 and which will be deducted from the fund.

17 C. CWTAC will distribute monies from the fund directly to
18 providers to provide special services, as defined in paragraph
19 19A above, to youth between the ages of 21 and 25, based on a
20 certification by the provider that the one-to-one special services
21 will meet the criteria in Department of Mental Health Letter 99-
22 03 and that the youth met those criteria when he or she was
23 under age 21.

24 D. Distribution of monies from the fund will not be contingent on a
25 determination that TBS was incorrectly denied in the past to the
26 youth who will receive the special services, nor will distribution
27 of monies from the fund be contingent on a formal request by a
28 TBS provider to a mental health provider (MHP) for
compensatory TBS.

- 1
- 2 E. CWTAC and PAI may develop additional mutually-agreeable
- 3 distribution guidelines for administration of the fund, consistent
- 4 with the terms hereof.
- 5 F. The State of California Department of Mental Health will issue
- 6 an All-County Letter describing the availability of the fund on a
- 7 one-time basis and the procedure for requesting monies from the
- 8 fund from CWTAC. CWTAC will further publicize the
- 9 availability of the fund through its website and through trainings.
- 10 G. The aforementioned funds may be provided to youth regardless
- 11 of the type of facility or setting in which they reside, so long as
- 12 the youth meet other applicable requirements for the fund.

13 20. In consultation with MHPs, Defendant in conjunction with the State of

14 California Department of Mental Health shall adopt standards for minimum

15 qualifications for mental health practitioners to assess and/or provide TBS to class

16 members. These qualifications shall include training in behavior analysis with an

17 emphasis on positive behavioral interventions.

- 18 A. Defendant shall not require that these mental health providers be
- 19 existing participants in the Medi-Cal program or that these
- 20 providers agree to participate in the Medi-Cal program for any
- 21 other purpose besides assessing eligibility for TBS and/or
- 22 providing TBS.
- 23 B. Defendant shall inform all such providers of the procedures for
- 24 contracting with the MHP to receive Medi-Cal EPSDT
- 25 reimbursement pursuant to this Permanent Injunction and 22
- 26 C.C.R. § 51242, which specifies the qualifications required of an
- 27 EPSDT supplemental services provider.
- 28 C. An MHP may allow a provider to participate in its managed care
- Medi-Cal program solely to provide TBS and no other service.

1
2 D. This provision does not require Defendant or any MHP to
3 appoint and/or compensate as a provider any person or entity
4 who or which would not otherwise be eligible to provide services
5 to class members.

6 21. Defendant shall ensure that class members have access to TBS within
7 their respective MHPs. Defendant shall require each MHP with at least one class
8 member to provide a list to DMH of the TBS providers or provider within the MHP.
9 Defendant shall ensure that a MHP expands its provider network or takes other
10 measures if necessary for that MHP to meet its obligations to TBS class members in
11 its jurisdiction. If necessary, Defendant shall also assist the MHPs to compile a list
12 of mental health providers qualified, willing and logistically capable of providing
13 TBS to children within the area served by each MHP.

14 A. The parties have agreed to refer the question of defining and
15 ensuring needed capacity and access to TBS within the MHPs to
16 the consultants for a joint recommendation. In the interim, if
17 there are no class members in a particular county, then the
18 sufficient number of providers would be zero.

19 B. A MHP may contract with a single large institutional provider
20 with the capacity to serve scores of children since the number of
21 "providers" is not itself significant.

22 C. The parties shall cooperate to monitor capacity and access on an
23 ongoing basis for three years from the date of entry of this
24 Permanent Injunction. They shall, at a minimum, review on an
25 annual basis all available TBS statistics collected (1) by each
26 MHP or (2) about the TBS services provided by each MHP.

27 D. The parties shall work with any MHP that fails to provide
28 sufficient access to TBS for class members, with the goal of

attaining compliance with this Permanent Injunction and other applicable laws.

E. Either party may petition for intervention of the Court in the event sufficient access to TBS cannot timely be achieved through cooperation of the parties with the MHPs. The Court would then consider appointing a special master to oversee capacity and access issues.

22. Defendant shall require the MHPs to provide her with all the forms certifying that TBS was considered and deemed inappropriate for class members prior to their placement in Metropolitan State Hospital, Napa State Hospital or a RCL 12 facility or higher, and Defendant shall forward a copy of this information to Plaintiffs' counsel on a quarterly basis beginning on March 30, 2001 and ending on March 30, 2004.

23. Defendant through the State of California Department of Mental Health shall require the MHPs to provide her with updated lists of the names, addresses, and telephone numbers of the local mental health providers who are qualified and willing to assess and/or to provide TBS to class members. Defendant through the State of California Department of Mental Health shall forward this information to Plaintiffs' counsel on an annual basis beginning March 30, 2001 and ending on March 30, 2004, provided that Defendant through the State of California Department of Mental Health also posts the updated list of names, addresses and telephone numbers of TBS providers for all MHPs on the website of the State of California Department of Mental Health. Otherwise, the information shall be forwarded to Plaintiffs' counsel on a quarterly basis beginning March 30, 2001 and ending on March 30, 2004.

24. Defendant through the State of California Department of Mental Health shall ensure that the Cathie Wright Technical Assistance Center provide Plaintiffs' counsel with advance notice of training to be provided by it to MHPs and also

1
2 provide Plaintiffs' counsel with copies of any written materials used by the Cathie
3 Wright Technical Assistance Center in providing such training. This requirement
4 shall end on March 30, 2004.

5 25. Defendant shall take appropriate corrective measures with regard to
6 MHPs where either no class members or a disproportionately low number of class
7 members have been approved for TBS.

8 A. Appropriate corrective measures include technical assistance and
9 the remedies in the state mental health managed care regulations
10 [Cal. Code of Regs., tit. 9, § 1810.325, 1810.38, 1810.385.],
11 including site visits and monitoring, imposition of corrective
12 action plans, termination of the MHP's managed care contract
13 and civil penalties against the MHP of up to \$5,000.

14 B. For any given MHP in which no class members or a
15 disproportionately low number of class members have been
16 approved for TBS and no objective justification for such slight
17 (or non-existent) approval is apparent from data supplied by the
18 MHP, Defendant shall provide technical assistance to identify
19 specific barriers, strategies to overcome barriers, resources
20 needed, interim solutions and time lines for resolution of issues.

21 C. Defendant shall forward to Plaintiffs' counsel on a quarterly
22 basis beginning on March 30, 2001, and ending on March 30,
23 2004 a description of the corrective measures that DHS and/or
24 DMH has undertaken, if any, and a description of the impact of
25 those measures.

26 26. This permanent injunction incorporates by reference the Protective
27 Order Re: Confidentiality (^{original} Attachment C), the original of which has been separately
28 entered. *att*

27. The Court shall retain jurisdiction over the enforcement of this injunction for three years from the date it is entered. Should any part of this injunction become substantially unworkable or infeasible, either party may move to modify the terms of this injunction.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT:

28. Plaintiffs' counsel shall be entitled to recover their reasonable attorney's fees and costs in this case. The parties shall be given 60 days after entry of this Judgment to attempt to negotiate a settlement regarding the award of fees and costs. Failing such agreement, Plaintiffs shall be given an additional 30 days to file the appropriate motion and cost bill.

IT IS SO ORDERED. *Nunc Pro Tunc*

DATE:

April 22, 2004

A. Howard Matz
A. Howard Matz
United States District Judge

Approved as to Form:

DATE:

April 14, 2004

Irene K. Tamura
Irene Tamura

PROOF OF SERVICE

1 STATE OF CALIFORNIA) ss.
2 COUNTY OF LOS ANGELES)

3 I am over the age of eighteen years and not a party to the within action. I am employed in the
4 office of a member of the Bar of this Court in the County of Los Angeles, State of California.
5 My business address is 3580 Wilshire Boulevard, Suite 902, Los Angeles, California 90010.

6 On **April 20, 2004** I served the foregoing document(s) described as:

7 **[PROPOSED] AMENDED JUDGMENT AND PERMANENT INJUNCTION**

8 on the interested party(ies) in this action by /placing the true copies thereof enclosed in sealed
9 envelopes addressed as stated on the attached mailing list /placing the original **XX**/placing a
10 true copy thereof, enclosed in sealed envelope(s) addressed as follows:

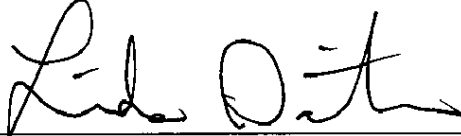
11 Irene K. Tamura
12 Deputy Attorney General
13 1300 I Street
14 Sacramento, CA 98514

15 **XX** **BY MAIL**) I deposited such envelope(s) in the mail at Los Angeles, California. The
16 envelope(s) was mailed with postage thereon fully prepaid. I am "readily familiar" with the
17 firm's practice of collection and processing correspondence for mailing. It is deposited with the
18 U.S. Postal Service on that same date in the ordinary course of business. I am aware that on
19 motion of party served, service is presumed invalid if postal cancellation date or postage meter
20 date is more than one day after date of deposit for mailing in affidavit.

21 **(BY PERSONAL SERVICE)** I caused such envelope(s) to be delivered by hand to the
22 addressee as addressed above.

23 **BY ELECTRONIC TRANSFER**) I caused all of the pages of the above-entitled document
24 to be sent to the recipient(s) /noted above, /on the attached service list, via electronic transfer
25 (FAX) at the respective FAX number(s) /indicated above, /on the attached service list.

26 Executed on this **20th** day of **April, 2004**, at Los Angeles, California. I declare under penalty
27 of perjury under the laws of the State of California and the United States that the above is true
28 and correct.

21 
22
23 Linda Daitsman, DECLARANT