

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

	*	
Helen Pitts, Kenneth Roman,	*	
Denise Hodges, and Rickii Ainey, on	*	C.A. No. 3:10-cv-00635-JJB-SCR
behalf of themselves and all others	*	
similarly situated,	*	
Plaintiffs,	*	
	*	Judge James J. Brady
v.	*	
	*	
Bruce Greenstein, in his official	*	
capacity as Secretary of the Louisiana	*	
Department of Health and Hospitals, and	*	Magistrate Judge Stephen C.
Louisiana Department of Health and	*	Riedlinger
Hospitals,	*	
Defendants,	*	
	*	CLASS ACTION
	*	

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs move this court pursuant to F.R.Civ.Pro. 23 to certify this action as a class action.

Class Definition

Plaintiffs request certification of a class defined as:

Louisiana residents with disabilities who are recipients or prospective recipients of Medicaid-funded services through the LT-PCS program; who desire to continue to reside in the community instead of in a nursing facility; who can reside in the community with appropriate Medicaid-funded LT-PCS services; and who are at risk of being forced to enter a nursing home because Defendants plan to reduce the level of community-based services.

Prerequisites to Class Certification

As is set forth in Plaintiffs' Memorandum of Law in Support of their Motion for Class Certification, they meet all the prerequisites to a class action set forth in Rule 23(a),

Fed.R.Civ.P.: (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class. Further, the Defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole, and making class certification appropriate under Rule 23(b)(2), Fed.R.Civ.P. Proposed class counsel will fairly and adequately protect the interests of the class, satisfying the requirements of Fed. R. Civ. P. 23(g).

WHEREFORE Plaintiffs request that the Court enter an order permitting this action to be maintained as a class action on behalf of the class defined above, and that counsel for Plaintiffs be appointed class counsel, pursuant to Rule 23(g).

Date: December 20, 2010.

Respectfully submitted,

/s/ Nell Hahn

Nell Hahn, T.A.
LA Bar No. 22406
Advocacy Center
600 Jefferson St., Suite 812
Lafayette, LA 70501
(337) 237-7380, ext. 11
Facsimile (337) 205-6166
nhahn@advocacyla.org

Stephen F. Gold
PA Bar No. 09880
1709 Benjamin Franklin Parkway
Second Floor
Philadelphia, PA 19103
(215) 627-7100, ext 227

Facsimile: 215-627-3183
stevegoldada@cs.com

Ken Zeller, D.C. Bar No. 986787
kzeller@aarp.org
Bruce Vignery, D.C. Bar No. 297911
bvignery@aarp.org
AARP Foundation Litigation
601 E Street N.W.
Washington, D.C. 20049
(202) 434-2138
Facsimile (202)434-6424

Counsel for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2010, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/EDF system. Notice of this filing will be sent to all counsel by operation of the court's electronic filing system.

/s/ Nell Hahn