

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

**KENNETH ROMAN, RICKII AINEY
and ELIZABETH FOSTER, on
behalf of themselves and all others similarly
situated,**

Plaintiffs

v.

**BRUCE GREENSTEIN, in his official
capacity as Secretary of the Louisiana
Department of Health and Hospitals, and
LOUISIANA DEPARTMENT OF HEALTH
AND HOSPITALS,**

Defendants.

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) **Civil Action No. 3:10-cv-00635-JJB-SCR**
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) **Judge James J. Brady**
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) **Magistrate Judge Stephen C. Riedlinger**
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) **CLASS ACTION**
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**ORDER GRANTING THE JOINT MOTION
FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT
AND TO REDEFINE THE CLASS**

Before the Court is the Parties' Joint Motion for Preliminary Approval of Class Settlement and to Redefine the Class (Doc. 95). The Motion is **GRANTED**, and it is hereby

ORDERED that preliminary approval of the proposed Settlement Agreement included as Exhibit 1 to the Parties' Motion is **GRANTED**;

ORDERED that the definition of the class adopted by the Court on June 6, 2011 (doc. 58) is altered insofar as the Court now adopts the following definition of the class in lieu of the definition contained in the Court's June 6 Order:

All persons who were approved to receive more than 32 hours of services through Louisiana's Long-Term Personal Case Services (LT-PCS) program as of September 5, 2010, and who are still approved to receive LT-PCS or who have a request for prior authorization pending or in process;

ORDERED that a hearing on final approval of the proposed Settlement Agreement is scheduled for Friday, February 17, 2012 at 8:45 a.m.; and

ORDERED that the Parties cause a Notice, substantially in the form attached to this Order, to be published once in each of the following newspapers—Baton Rouge Advocate; Lafayette Daily Advertiser; Lake Charles American Press; Alexandria Daily Town Talk; Monroe News Star; Shreveport Times; New Orleans Times-Picayune; and Houma Courier—on or before January 30, 2012.

Signed in Baton Rouge, Louisiana, on January 12, 2012.



**JAMES J. BRADY, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA**

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AGREEMENT

Please read this notice carefully. A settlement has been proposed in *Pitts v. Greenstein*, 10-cv-635, that affects some Louisiana residents who are receiving long-term personal care services (LT-PCS) through the Medicaid program.

Does this notice apply to you?

1. This settlement only applies to persons who were approved to receive more than 32 hours of services through Louisiana's Long-Term Personal Case Services (LT-PCS) program as of September 5, 2010, and who are still approved to receive LT-PCS or who have a request for prior authorization pending or in process.

What is this lawsuit about?

2. This lawsuit challenges the reduction in maximum hours of services under Louisiana's Long-Term Personal Care Services program, which provides services funded by Louisiana Medicaid to eligible individuals in their homes. It claims that this reduction could lead to people having to enter nursing facilities, because they are not able to receive enough care at home.

What are the key terms of the Settlement Agreement?

3. Under the Settlement Agreement, class members may apply for an expedited Community Choices Waiver slot. Class members who are not currently approved to receive at least 32 hours must request a slot before June 30, 2012 in order to be considered. To get an expedited offer, a class member must show that without the additional services the waiver provides, he or she will not be able maintain his or her mental or physical health and is at serious risk of having to go into a nursing home.
4. The parties have agreed to ask the Court to approve \$250,000 as the award to class counsel for attorney's fees and costs incurred for work on this case.

What can you do next?

5. If you agree with the Settlement Agreement, you do not have to do anything.
6. If you disagree with any part of the Settlement Agreement and you want to tell the judge, you have to do these things:
 - You must write a letter to the judge. Include your name, address, phone number, and signature in the letter. On the first page of the letter write in large or underlined letters: "Civil Action No. 10-635: Objections to Settlement Agreement in *Pitts v. Greenstein*." Mail your letter to:

Judge James J. Brady

U.S. District Court
777 Florida Street
Baton Rouge LA 70801

- You must also mail copies of your letters to the lawyers for the plaintiffs and defendants at the following addresses:

Advocacy Center
600 Jefferson St., Ste. 812
Lafayette, LA 70501

Kimberly Humbles
Louisiana Department of Health and Hospitals
P.O. Box 3836
Baton Rouge, LA 70821-3836

7. Your letter must be received no later than Monday, February 13, 2012.
8. The complete settlement proposal can be obtained by calling the Advocacy Center, 800 960 7705, or by writing the Advocacy Center at 8325 Oak Street, New Orleans, LA 70118. For a more detailed statement of the matters involved, reference is made to the pleadings, to the Settlement Agreement, and to other papers filed in this matter, all of which may be inspected at the Office of the Clerk of the United States District Court for the Middle District of Louisiana, U.S. District Court, 777 Florida Street, Baton Rouge LA 70801. You may also view the Settlement Agreement online at <the DHH website> and <the Advocacy Center website>.

When and where will the judge decide whether to approve the Settlement Agreement?

Courtroom 1
Russell Long Federal Bldg. and U.S. Courthouse
777 Florida Street
Baton Rouge, LA 70801

Date: Friday, February 17, 2012
Time: 8:45 a.m.