

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T.R., by and through his guardian and next friend, R.R.; S.P., by and through her mother and next friend, D.H.; C.A., by and through her mother and next friend, A.A.; T.F., by and through her father and next friend, D.F.; P.S., by and through his mother and next friend, W.S.; T.V., by and through his guardian and next friend, C.D.; G.B., by and through her mother and next friend, L.B.; E.H. by and through his mother and next friend, C.H.; E.D., by and through his mother and next friend, A.D.; and L.F.S., by and through his mother and next friend, B.S.,

Plaintiffs,

v.

SUSAN N. DREYFUS, not individually,
but solely in her official capacity as
Secretary of the Washington State
Department of Social and Health Services,

Defendant.

No. 2:09-cv-01677-TSZ

**PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

NOTE FOR MOTION CALENDAR:
Friday, Friday, July 9, 2010

Plaintiffs move the Court for an order certifying this lawsuit as a plaintiff class action under Federal Rule of Civil Procedure 23(b)(2). Plaintiffs ask that the class be defined as:

All persons under the age of 21 who now or in the future:

1 (1) meet or would meet the State of Washington's financial
2 Title XIX Medicaid eligibility criteria;

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4 (2) are determined and documented by a licensed
5 practitioner of the healing arts operating within the scope of their
6 practice as defined by Washington state law, to have a mental
7 illness or condition, or had a screen or an assessment been
8 conducted by such practitioner, would have been determined and
9 documented to have a mental illness or condition;

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11 (3) have a functional impairment, which substantially
12 interferes with or substantially limits the ability to function in the
13 family, school or community setting; and

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15 (4) for whom intensive home and community based
16 services coverable under Title XIX Medicaid and eligible for
17 Federal Financial Participation, have been, or would have
18 been recommended by a licensed practitioner in order to correct or
19 ameliorate a mental illness or condition.

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21 Plaintiffs also request that the Court designate counsel for the named Plaintiffs, Disability
22 Rights Washington, the National Health Law Program, the National Center for Youth Law, and
23 Perkins Coie, as class counsel and certify the proposed class without requiring notice to the
24 unnamed class members.
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28 This motion is based on the accompanying Memorandum in Support of Plaintiffs' Motion
29 for Class Certification, the Declarations of Susan Foster, Regan Bailey, Patrick Gardner, Jane
30 Perkins, R.R., D.H., A.A., D.F., P.S., C.D., L.B., C.H., A.D. and B.S. in Support of Plaintiffs'
31 Motion for Class Certification, the Stipulation Regarding Plaintiffs' Motion for Class
32 Certification and the Proposed Order Granting Plaintiffs' Motion for Class Certification, and all
33 pleadings and other documents on file in this case.
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DATED this 24th day of June, 2010.

/s/Regan Bailey

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of same to the following: Carrie Bashaw (CarrieB@atg.wa.gov), Sarah Coats (SarahC@atg.wa.gov), Bill G. Clark (BillC2@atg.wa.gov), Eric Nelson (EricN1@atg.wa.gov), and Scott T. Middleton (ScottM6@atg.wa.gov).

/s/Cathi Schleh

Legal Secretary