

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

**ORDER GRANTING PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

THIS MATTER comes before the Court on Plaintiffs' Motion for Class Certification, docket no. 28.

ORDER GRANTING PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION (No. 2:09-cv-01677-TSZ) – 1

70787-0001/LEGAL18270932.1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 Plaintiffs and Defendant have stipulated that certification of the following class is
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 3 currently appropriate:

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

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

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 10 (2) are determined and documented by a licensed
 11 practitioner of the healing arts operating within the scope of their
 12 practice as defined by Washington state law, to have a mental
 13 illness or condition, or had a screen or an assessment been
 14 conducted by such practitioner, would have been determined and
 15 documented to have a mental illness or condition;

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

20
 21 (4) for whom intensive home and community based
 22 services coverable under Title XIX Medicaid and eligible for
 23 Federal Financial Participation, have been, or would have
 24 been recommended by a licensed practitioner in order to correct or
 25 ameliorate a mental illness or condition.
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 28 The Parties' stipulation reserves rights to challenge class certification and the class definition
 29 based upon ongoing discovery.
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 32 The Court finds that certification of the proposed class is appropriate under Federal Rule
 33 of Civil Procedure 23(a) in that "(1) the class is so numerous that joinder of all members is
 34 impracticable; (2) there are questions of law and fact common to the class; (3) the claims or
 35 defenses of the representative parties are typical of the claims or defenses of the class; and (4)
 36 the representative parties will fairly and adequately protect the interests of the class." The Court
 37 also finds that the allegations of the proposed class satisfy the requirement of Federal Rule of
 38 Civil Procedure 23(b)(2) that "the party opposing the class has acted or refused to act on grounds
 39 that apply generally to the class, so that final injunctive relief or corresponding declaratory relief
 40 is appropriate respecting the class as a whole." The Court therefore GRANTS plaintiffs' motion
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1 for class certification, docket no. 28, and CERTIFIES the class as defined by the parties'
2 stipulation.
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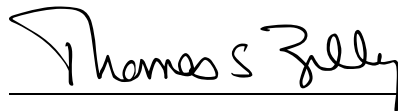
4 The representative named plaintiffs are T.R., by and through his guardian and next friend,
5 R.R.; S.P., by and through her mother and next friend, D.H.; C.A., by and through her mother
6 and next friend, A.A.; T.F., by and through her father and next friend, D.F.; P.S., by and through
7 his mother and next friend, W.S.; T.V., by and through his guardian and next friend. C.D.; G.B.,
8 by and through her mother and next friend, L.B.; E.H. by and through his mother and next friend,
9 C.H.; E.D., by and through his mother and next friend, A.D.; and L.F.S., by and through his
10 mother and next friend, B.S.
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12 The Court appoints Disability Rights Washington, the National Health Law Program, the
13 National Center for Youth Law, and Perkins Coie as class counsel.
14

15 This order is without waiver of any right of any party to move to modify this order.
16 Defendant may file motions seeking to decertify the class, remove any of the named plaintiffs, or
17 to amend the class definition, as the issues or facts in the case are further identified or developed,
18 and to challenge the designation of multiple law firms if it appears that such designation is
19 unnecessarily increasing the cost of litigation or is otherwise interfering with the efficient
20 management of this case. Plaintiffs are not required to provide notice to the unnamed class
21 members.
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23 DATED this 23rd day of July, 2010.
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Thomas S. Zilly
United States District Judge

FOR PLAINTIFFS:

/s/Regan Bailey

Regan Bailey, WSBA No. 39142

reganb@dr-wa.org

Susan Kas, WSBA No. 36592

susank@dr-wa.org

DISABILITY RIGHTS WASHINGTON

315 5th Avenue South, Suite 850

Seattle, WA 98104

Telephone: (206) 324-1521

Facsimile: (206) 957-0729

/s/Susan E. Foster

Susan E. Foster, WSBA No. 18030

SFoster@perkinscoie.com

Frederick B. Rivera, WSBA No. 23008

FRivera@perkinscoie.com

Travis A. Exstrom, WSBA No. 39309

TExstrom@perkinscoie.com

PERKINS COIE LLP

1201 Third Avenue, Suite 4800

Seattle, WA 98101-3099

Telephone: (206) 359.8000

Facsimile: (206) 359.9000

ATTORNEYS FOR PLAINTIFFS

/s/Patrick Gardner

Patrick Gardner, CB No. 208199

pgardner@youthlaw.org

Bryn Martyna, CB No. 239852

bmartyna@youthlaw.org

Fiza Quraishi, CB No. 252033

fquraishi@youthlaw.org

NATIONAL CENTER FOR YOUTH LAW

405 14th Street, 15th Floor

Oakland, CA 94612

(510) 835-8098

/s/Jane Perkins

Jane Perkins, SBN 104784

perkins@healthlaw.org

NATIONAL HEALTH LAW PROGRAM

211 N. Columbia Street

Chapel Hill, NC 27514

Telephone: (919) 968-6308

FOR DEFENDANT:

ROBERT M. MCKENNA
Attorney General

/s/ Carrie Bashaw

CARRIE L. BASHAW, WSBA No. 20253

CarrieB@atg.wa.gov

SARAH J. COATS, WSBA No. 20333

SarahC@atg.wa.gov

BILL G. CLARK, WSBA No. 09234

BillC2@atg.wa.gov

ERIC NELSON, WSBA No. 27183

EricN1@atg.wa.gov

Assistant Attorneys General
Attorneys for Defendant

Office of the Attorney General
7141 Cleanwater Drive SW
PO Box 40124
Olympia, WA 98504-0124
(360) 586-6565

ATTORNEYS FOR DEFENDANT

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