

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.; 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.; 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.

KEVIN QUIGLEY, not individually, but solely in her official capacity as Secretary of the Washington State Department of Social and Health Services; and DOROTHY TEETER, not individually, but solely in his official capacity as the Director of the Washington State Health Care Authority. ,

Defendants.

NO. 09-1677 TSZ

STIPULATED MOTION AND
ORDER APPROVING THE
IMPLEMENTATION PLAN

STIPULATED MOTION

Defendants, and Plaintiffs on behalf of themselves and the class they represent, respectfully submit to this Court for approval the Implementation Plan attached hereto at Exhibit 1, and respectfully move this Court for an order finding that the Implementation Plan is reasonably capable of fulfilling the Commitments and achieving the Exit Criteria in the Settlement Agreement and approving the Plan. This motion is supported by the declaration of Assistant Attorney General John K. McIlhenny, Jr., counsel for the Defendants, filed herewith.

BACKGROUND

As required by the Settlement Agreement (Dkt. No. 119-1), approved by the Court's Order Granting Joint Motion For Final Approval of Class Action Settlement Agreement, dated December 19, 2013 (Dkt. No. 137), the Defendants were to submit to this Court for approval a final Implementation Plan ("the Plan") not later than June 19, 2014. Dkt. No. 119-1, ¶ 55 ("...within six months after the Court gives its final approval...").

Defendants, in cooperation with the Plaintiffs through the joint Implementation Advisory Team in the Settlement Agreement, began developing an Implementation Plan to be "reasonably capable of fulfilling the Commitments and achieving the Exit Criteria" as required by the Settlement Agreement. Declaration of John K. McIlhenny, Jr. ("McIlhenny Decl.") at ¶ 4; Dkt. No. 119-1, ¶ 58.

The parties began meeting on February 6, 2014 and thereafter began exchanging working drafts of a proposed plan. The parties met, either in person or telephonically, eight times through June 2014. McIlhenny Decl. at ¶ 5. At the in-person working session on June 11, 2014, the parties concluded that Defendants could not complete a final Implementation Plan, due to substantive modifications sought by Plaintiffs, to submit to the Court by the deadline date of June 19, 2014. McIlhenny Decl., ¶ 5; see Dkt. Nos. 141 and 142 (declarations of John K. McIlhenny and Susan Kas, respectively).

1 Accordingly, the Parties, by stipulated motion (Dkt. No. 140), moved the Court to
 2 extend the deadline to August 1, 2014. The Court granted the motion and approved that
 3 extension. Dkt. No. 143.

4 Since the extension, the parties have met in face-to-face and in telephonic working
 5 sessions to finalize the Plan, and have proposed, exchanged, reviewed, edited, and agreed upon
 6 draft language for the Plan. McIlhenny Decl., ¶ 7.

7 On July 31, 2014, the parties finalized a two part Plan setting forth objectives,
 8 strategies, and quality improvement measures for accomplishing the goals, commitments, and
 9 exit criteria of the Settlement Agreement. McIlhenny Decl., ¶ 8. The two parts of the plan
 10 describe the tasks to be completed in order to establish the infrastructure and capacity
 11 necessary for supporting the scheduled roll-out and initial utilization estimates of the WISE
 12 program. The Plan's Section I objectives outline how Defendants will: (1) communicate with
 13 class members about the WISE program; (2) identify, refer, and screen class members for
 14 eligibility; (3) provide the WISE services; (4) coordinate the WISE services across agencies and
 15 providers; (5) support workforce development; (6) maintain a collaborative governance
 16 structure to achieve the goals of the settlement; and (7) afford due process to class members.
 17 Section II objectives are designed to create an accountability structure to ensure quality
 18 assurance and system improvement, as well as a system to monitor achievement of the
 19 settlement goals and to facilitate development of the Washington State System of Care.

20 Accordingly, the parties move this Court for an Order finding that the Implementation
 21 Plan submitted herewith at Exhibit 1 is “reasonably capable of fulfilling the Commitments and
 22 achieving the Exit Criteria” in the Settlement Agreement in this case and, further, approving
 23 the Plan.

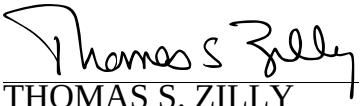
24 ORDER

25 The parties’ Stipulated Motion, docket no. 144, is GRANTED, and the Court hereby:
 26

1. FINDS that the Implementation Plan is reasonably capable of fulfilling the Commitments and achieving the Exit Criteria in the Settlement Agreement in this case; and,

2. ORDERS that the Implementation Plan is Approved.

Ordered this 6th day of August, 2014.


THOMAS S. ZILLY
United States District Judge

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