

1 Plaintiffs Esther Darling, Ronald Bell by his *Guardian ad Litem*, Rozene Dilworth, Gilda
2 Garcia, Wendy Helfrich by her *Guardian ad Litem*, Dennis Arnett, Jessie Jones, Raif Nasyrov by his
3 *Guardian ad Litem*, Sofiya Nasyrova, and Allie Jo Woodard by her *Guardian ad Litem*, Linda
4 Gaspard-Berry, (“Plaintiffs”), and Defendants Toby Douglas and the Department of Health Care
5 Services (DHCS), (“Defendants”) have entered into a Settlement Agreement for resolution of this
6 class action matter. Plaintiffs and Defendants (the Parties) have submitted the proposed Settlement
7 Agreement to the Court for final approval pursuant to, and in compliance with Federal Rules of Civil
8 Procedure, Rule 23, subdivision (e).

9 The Court found that the Parties gave notice of the proposed Settlement Agreement to Class
10 Members in a reasonable manner. Fed. R. Civ. P. 23(e)(1). On January 24, 2012, this Court
11 conducted a Fairness Hearing pursuant to Federal Rule of Civil Procedure 23(e)(2), affording the
12 parties and Class Members the opportunity to be heard in support of and in opposition to the
13 proposed settlement agreement. After reviewing and considering the joint papers of the Parties filed
14 in support of the Settlement Agreement, the Settlement Agreement preliminarily approved by this
15 Court on December 14, 2011 (ECF No. 415), objections by Class Members and the Parties’
16 Responses thereof, evidence, argument, comments and objections submitted, the Court has made a
17 finding that the Settlement Agreement is fair, reasonable, and adequate to bind Class Members; has
18 approved the Settlement; and has certified a Settlement Class pursuant to Federal Rules of Civil
19 Procedure 23(a) and (b)(2), appointed named Plaintiffs as Class Representatives, and appointed
20 Plaintiffs’ counsel as Class Counsel.

21 The Court having fully considered the matter and good cause appearing, hereby ORDERS,
22 ADJUDGES AND DECREES as follows:

23 1. The Court has jurisdiction over the claims for injunctive and declaratory relief against
24 Defendants pursuant to 28 U.S.C. §§ 1331, 1343 and 1367. Venue is proper in the Northern District
25 of California pursuant to 28 U.S.C. § 1391(b).

26 2. This case is certified as a class action for purposes of Settlement. The Settlement
27 Class is defined as: “All Medi-Cal beneficiaries in the State of California for whom Adult Day
28

1 Health Care benefits will be eliminated under the provisions of AB 97 including those who met or
2 will meet the current eligibility and medical necessity criteria for ADHC at any point prior to the
3 Effective Date of the Settlement Agreement; or who will meet the eligibility and medical necessity
4 criteria for CBAS at any point prior to Termination of the Settlement Agreement.”

5 3. Judgment is entered pursuant to the terms of the Settlement Agreement incorporated
6 herein, as though fully set forth, and attached as Exhibit A to this Stipulated Judgment.

7 4. The Court orders the parties to the Settlement Agreement to perform all of their
8 obligations thereunder.

9 5. The Court will retain jurisdiction over this lawsuit until 30 months after the Effective
10 Date of the Settlement Agreement.

11 6. The Court finds that no just reason exists for delay in entering this Stipulated
12 Judgment pursuant to the Settlement Agreement. Accordingly, the Clerk is hereby directed to
13 immediately enter this Stipulated Judgment.

14 7. This Stipulated Judgment is binding against Defendants, their successors in office,
15 and their respective officers, agents and employees, and all others acting in concert with them.

16
17
18 Dated: 1/24/12



Honorable Sandra Brown Armstrong
United States District Judge