

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

C.S. ex rel. K.C.; K.C. ex rel L.C.; T.B. ex rel.
C.B.; B.B. ex rel C.B.; T.C. ex rel L.C., on
their own behalf and on the behalf of all those
similarly situated,

Plaintiff,

v.

CLYDE SAIKI, in his official capacity as
Director of Department of Human Services,
State of Oregon; and LILIA TENINTY, in her
official capacity as the Director of the Office
of Developmental Disabilities Services,
Oregon Department of Human Services,

Defendants.

Case No. 6:17-cv-00564-MC

~~PROPOSED~~ ORDER ON MOTION FOR
PRELIMINARY INJUNCTION

The Court, having reviewed the plaintiffs' motion for preliminary injunction and the stipulations of the parties, orders that the motion for preliminary injunction is GRANTED as follows:

For every person with an intellectual or developmental disability who received in-home attendant care services through the Oregon Office of Developmental Disability Services as a result of an assessment using the ANA-C or CNA-C assessment tool and who experienced or will experience prior to the effective date of this Order a decrease in authorized hours of in-home attendant care services as a result of an assessment using the ANA-D or CNA-D assessment tool, Defendants will, pending trial or modification or vacation of this Order by the Court, prospectively restore all hours of service previously authorized using the ANA-C or CNA-C assessment no later than June 15, 2017.

Defendants shall notify the above-referenced persons that their hours of in-home attendant care services are restored as provided above. The defendants may use the ANA-C or CNA-C to evaluate people with developmental or intellectual disabilities, but may not reduce in-home attendant care services to a person receiving those services below the status quo level of care: that level designated in the most recent ANA-C or CNA-C as of November 1, 2016. The defendants, their agents, and their contractors may not issue notifications of planned action reducing those services below the status quo level described above, and any pending notifications of planned action proposing such reductions shall be rescinded.

The defendants may at any time move to vacate or amend this Order to the extent provided by the Federal Rules of Civil Procedure and applicable law. This order is entered without prejudice to the defendants' ability to oppose the motion for class certification.

The defendants shall take immediate steps to allow continuing services at the status quo level described above to 1) each of the named plaintiffs and 2) any affected person described above who has a pending administrative appeal or exceptions request relating to in-home attendant care services on the date this order is entered. Immediate steps means that the

defendants shall expedite the issuance of appropriate administrative orders and adjustments to ensure those levels of service are restored as soon as possible, and in no case later than May 15, 2017.

DATED: 4/19/17


HONORABLE JUDGE MCSHANE
U. S. District Court Judge

IT IS SO STIPULATED:

DATED April 18, 2017.

s/ Christina L. Beatty-Walters
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DATED April 18, 2017.

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