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The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

T.D., a minor child, by her next friend,
CATHLEEN D.; PARKER KOSHELNIK-
TURNER, by his guardian and next friend,
GLEN TURNER; and VIRGINIA
KOSHELNIK-TURNER, by her next friend,
GLEN TURNER, on behalf of themselves and a
class of persons similarly situated,

Plaintiffs,

v.

SUSAN DREYFUS, in her official capacity as
Secretary of the Washington State Department
of Social and Health Services,

Defendant.

NO. C09-5379 RBL

ORDER ON PLAINTIFFS'
MOTION FOR TRO

THIS MATTER came before the Court on the June 29, 2009 on Plaintiffs' Motion for a Temporary Restraining Order enjoining the Defendant, Susan Dreyfus, Secretary, Department of Social and Health Services (DSHS), from implementing reductions to Medicaid in-home personal care services for children under age twenty-one that were scheduled to go into effect on July 1, 2009. Present at the hearing were Amy L. Crewdson and Eleanor Hamburger, counsel for Plaintiffs, and Assistant Attorneys General Edward Dee and Michael Young, representing the Defendant.

1 The Court, having reviewed the memoranda, declarations and exhibits submitted by the
2 parties, and having considered the oral arguments presented at the hearing on the motion, hereby
3 enters the following ORDER:

4 **ORDER**

5 1. Defendant is enjoined until August 1, 2009 from implementing reductions to
6 Medicaid in-home personal care services for children under age twenty-one.

7 2. To further inform the Court prior to August 1, 2009, Defendant shall provide the
8 Court with any additional evidence and information the state currently has or subsequently
9 receives regarding communications between DSHS and the Centers for Medicare and Medicaid
10 Services (CMS) related to the reductions to Medicaid in-home personal care services at issue in
11 this litigation, including CMS's responses to said communications.

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13 DATED this 2nd day of July, 2009.

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15 RONALD B. LEIGHTON
16 UNITED STATES DISTRICT JUDGE
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1 Presented by:

2 ROBERT MCKENNA
3 Attorney General

4 s/ Edward J. Dee
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6 Senior Counsel

7 s/ William Bruce Work
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10 s/ Michael M. Young
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24 Approved as to form; notice of presentation waived:

25 SIRIANNI YOUTZ
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Attorneys for Plaintiffs