

THE HONORABLE THOMAS S. ZILLY

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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

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

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

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

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

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

16 (4) for whom intensive home and community based
17 services coverable under Title XIX Medicaid and eligible for
18 Federal Financial Participation, have been, or would have
19 been recommended by a licensed practitioner in order to correct or
20 ameliorate a mental illness or condition.

21 The Parties' stipulation reserves rights to challenge class certification and the class definition
22 based upon ongoing discovery.
23

24 The Court finds that certification of the proposed class is appropriate under Federal Rule
25 of Civil Procedure 23(a) in that "(1) the class is so numerous that joinder of all members is
26 impracticable; (2) there are questions of law and fact common to the class; (3) the claims or
27 defenses of the representative parties are typical of the claims or defenses of the class; and (4)
28 the representative parties will fairly and adequately protect the interests of the class." The Court
29 also finds that the allegations of the proposed class satisfy the requirement of Federal Rule of
30 Civil Procedure 23(b)(2) that "the party opposing the class has acted or refused to act on grounds
31 that apply generally to the class, so that final injunctive relief or corresponding declaratory relief
32 is appropriate respecting the class as a whole." The Court therefore GRANTS plaintiffs' motion
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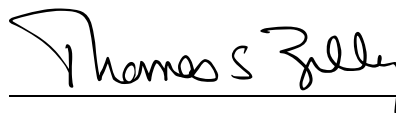
1 for class certification, docket no. 28, and CERTIFIES the class as defined by the parties'
2 stipulation.
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5 The representative named plaintiffs are T.R., by and through his guardian and next friend,
6 R.R.; S.P., by and through her mother and next friend, D.H.; C.A., by and through her mother
7 and next friend, A.A.; T.F., by and through her father and next friend, D.F.; P.S., by and through
8 his mother and next friend, W.S.; T.V., by and through his guardian and next friend. C.D.; G.B.,
9 by and through her mother and next friend, L.B.; E.H. by and through his mother and next friend,
10 C.H.; E.D., by and through his mother and next friend, A.D.; and L.F.S., by and through his
11 mother and next friend, B.S.
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19 The Court appoints Disability Rights Washington, the National Health Law Program, the
20 National Center for Youth Law, and Perkins Coie as class counsel.
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23 This order is without waiver of any right of any party to move to modify this order.
24
25 Defendant may file motions seeking to decertify the class, remove any of the named plaintiffs, or
26 to amend the class definition, as the issues or facts in the case are further identified or developed,
27 and to challenge the designation of multiple law firms if it appears that such designation is
28 unnecessarily increasing the cost of litigation or is otherwise interfering with the efficient
29 management of this case. Plaintiffs are not required to provide notice to the unnamed class
30 members.
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37 DATED this 23rd day of July, 2010.
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43 Thomas S. Zilly
44 United States District Judge
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