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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 KATIE A., by and through her next friend
Michael Ludin; MARY B., by and through
18 her next friend Robert Jacobs; JANET C.,
by and through her next friend Dolores
19 Johnson; HENRY D., by and through his
next friend Gillian Brown; AND GARY
20 E., by and through his next friend Michael
Ludin, individually and on behalf of others
21 similarly situated,

22 Plaintiffs,

23 v.

24 DIANA BONTA, Director of California
Department of Health Services; LOS
ANGELES COUNTY; LOS ANGELES
25 COUNTY DEPARTMENT OF
CHILDREN AND FAMILY SERVICES;
26 ANITA BOCK, Director of the Los
Angeles County Department of Children
27 and Family Services; RITA SAENZ,
Director of the California Department of
28 Social Services, and Does 1 through 100,
inclusive,

Defendants.

CV-02-05662 AHM (SHx)

JOINT STATUS REPORT
PURSUANT TO COURT'S
SEPTEMBER 22, 2008 ORDER

Date: October 29, 2008
Time: Submitted
Courtroom: 8
Judge: The Honorable A.
Howard Matz

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1 State Defendants – Directors of the California Department of Health Care
2 Services (DHCS) and California Department of Social Services (CDSS) – and
3 Plaintiffs Katie A., *et al.*, respectfully submit the following joint status report to the
4 Court in accordance with its September 22, 2008 Order:

5 On September 22, 2008, the Court directed the parties to make “a good faith joint
6 effort. . . to develop letters and notices that the State Defendants will disseminate to
7 all of the County Mental Health Plans (‘MHPs’), and to as many eligible recipients
8 (or their individual and institutional representatives) as possible.” Order on Plaintiffs’
9 Renewed Motion for a Preliminary Injunction (Order) at page 12. The Court
10 explained that these “negotiations will surely assist the parties in reducing or
11 eliminating the confusion about wraparound’s Medicaid [sic]/Medi-Cal status” and
12 that they “likely also will reduce or eliminate the concern of MHPs, providers and
13 recipients as to whether such services will be reimbursed.” *Id.* ” The Order directed
14 the parties to undertake these negotiations “promptly” and specified that, “the letter
15 and notices that the parties shall develop shall list specifically, and in plain language,
16 the components of wraparound defined by Dr. Redman that are covered by Medi-Cal,
17 and it should explain how these services properly may be characterized and billed.”
18 *Id.*

19 Counsel for State Defendants and California Department of Mental Health
20 (DMH) met with counsel for Plaintiffs on September 15, 2008, before entry of the
21 Court's Order, and again on October 14, 2008. On October 21, 2008, State
22 Defendants delivered a draft DMH Letter to Plaintiffs. On October 23, 2008,
23 Plaintiffs delivered their response to State Defendants with their written comments
24 concerning this draft DMH Letter. Later that same morning, the parties had a
25 telephonic conference call concerning, among other things, the draft DMH Letter.
26 State Defendants delivered to Plaintiffs a revised, near final version of the DMH
27 Letter on October 28, 2008, and intend to provide Plaintiffs with the final version of
28 the DMH Letter in the afternoon of October 29, 2008. State Defendants intend to

1 disseminate the final version of the DMH Letter on or about October 30, 2008. A
2 true copy of the final version of the DMH Letter will be filed upon dissemination.

3 While the parties have agreed to keep the above communications confidential,
4 we can report that the exchange between the parties has been cordial and progress
5 was made during their negotiations with regard to the contents of the DMH Letter.

6 If the final version of the DMH Letter is essentially the same as the version of
7 the DMH Letter that was provided to Plaintiff's counsel on October 28, 2008, then
8 Plaintiffs believe that dissemination of the new DMH Letter will be a constructive
9 step but that it will not constitute full compliance with the above-mentioned Order
10 (e.g., notices still need to be developed and sent to eligible recipients and their
11 representatives and further written materials need to be developed and sent to
12 providers and MHPs). However, it is the position of the State Defendants that the
13 dissemination of the new DMH Letter to the MHPs and representatives of the
14 eligible recipients does constitute full compliance, and that further written materials
15 are unnecessary at this time.

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1 Dated: October 29, 2008

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Respectfully submitted,

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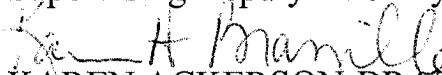
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Attorneys for Defendants

8

9

10 Dated: October 29, 2008

WESTERN CENTER ON LAW & POVERTY
PROTECTION AND ADVOCACY, INC.
BAZELON CENTER FOR MENTAL
HEALTH LAW
NATIONAL CENTER FOR YOUTH LAW
AMERICAN CIVIL LIBERTIES UNION OF
SOUTHERN CALIFORNIA

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By: _____
ROBERT D. NEWMAN
Attorneys for Plaintiffs

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LA2002CV1625
KatieAJointSC report (v2).wpd

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1 Dated: October 29, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
4 Attorney General of the State of California
5 JENNIFER M. KIM
6 Supervising Deputy Attorney General

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8 Deputy Attorney General
9 Attorneys for Defendants

10 Dated: October 29, 2008 WESTERN CENTER ON LAW & POVERTY
11 PROTECTION AND ADVOCACY, INC.
12 BAZELON CENTER FOR MENTAL
13 HEALTH LAW
14 NATIONAL CENTER FOR YOUTH LAW
15 AMERICAN CIVIL LIBERTIES UNION OF
16 SOUTHERN CALIFORNIA

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18 By: Robert D. Newman
19 ROBERT D. NEWMAN
20 Attorneys for Plaintiffs
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LA2002CV1625
KatieAJointSC report (Pl. changes).wpd

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **KATIE A. v. BONTA**

USDC CASE No.: **CV-02-05662 AHM (SHx)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

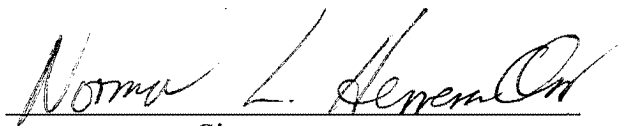
On October 29, 2008, I served the attached **JOINT STATUS REPORT PURSUANT TO COURT'S SEPTEMBER 22, 2008 ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

SEE ATTACHED MAILING LIST

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 29, 2008, at Los Angeles, California.

Norma L. Herrera-Orr

Declarant



Signature

MAILING LIST

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