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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

RICHARD S., et al.,

Plaintiffs,

Case No. SA CV 97-219-GLT (Anx)

AMENDED PERMANENT INJUNCTION

DEPARTMENT OF DEVELOPMENTAL
SERVICES OF THE STATE OF
CALIFORNIA, et al.,

Defendants,

vs.

BARBARA BELL, et al ,

Intervenors.

The parties' respective motions for summary judgment in this matter were heard before this Court on March 20, 2000. Among these motions was intervenors' motion for summary adjudication of their claims against State Defendants challenging State Defendants' policy of refusing to place adult developmental center residents in the community if a family member, conservator, or legal representative objects, absent a court order for placement. The Second Claim for Relief of intervenors' First Amended Complaint in Intervention alleged that the policy violated 42 U.S.C. section 1983 based on a denial of due process.

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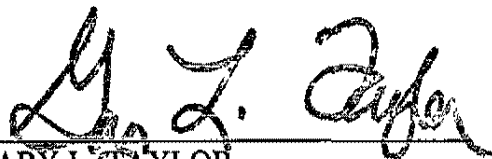
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1 By order on Motions for Summary Judgment, dated March 24, 2000, and filed March 27,
2 2000, this Court granted intervenors' motion challenging the policy based on intervenors' section
3 1983 due process claim. The Court held summary judgment on this aspect of intervenors' claim is
4 appropriate as a matter of law.

5 IT IS ORDERED, therefore, that State Defendants, Department of Developmental Services
6 of the State of California (DDS), Fairview Developmental Center (FDC), South Coast Regional
7 Project (SCRCP), Clifford Allenby, as Director of DDS, Hugh Kohler, as Executive Director of
8 FDC, Lilia Tan Figueroa, M.D , as Medical Director of FDC, and Dawn Lemonds, as Director
9 of SCRCP, their officials, employees and agents, as well as successors, are permanently enjoined
10 from implementing or continuing any policy, practice or procedure of, as a matter of course,
11 refusing to place adult developmental center residents in the community absent a court order for
12 placement if a family member, conservator, or legal representative objects Views of such third
13 parties may be taken into consideration in a weighing process to reach an appropriate decision, but
14 such views must not be treated as conclusive. The State Defendants must exercise their discretion
15 in making placement recommendations and identifying appropriate placements and not abandon it
16 to third parties or the courts.

17 State Defendants shall issue such written notice as is necessary to inform their officials,
18 employees and agents of the requirements of this injunction.

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20 Dated: 1-18-01

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23 GARY L. TAYLOR
24 UNITED STATES DISTRICT JUDGE
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DECLARATION OF SERVICE

CASE CAPTION: RICHARD S., et al. v. DEPARTMENT OF DEVELOPMENTAL SERVICES OF THE STATE OF CALIFORNIA, et al. v. BARBARA BELL, et al

CASE NO.: SACV 97-219 GLT (ANx)

I am employed in the County of Los Angeles, California. I am 18 years of age or older and not a party to the within entitled cause; my business address is 300 S. Spring Street, Los Angeles, California 90013

On November 13, 2000, I served the foregoing document described as: AMENDED PERMANENT INJUNCTION on the parties in this action as follows.

SEE ATTACHED SERVICE LIST

METHOD OF SERVICE:

[X] (BY MAIL) I caused such envelope(s) fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence of mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] (BY U.P.S./OVERNIGHT DELIVERY [CCP §1005]) I caused such envelope(s) to be delivered to an overnight delivery (U.P.S.) fees provided for, addressed to the person(s) on whom it is to be served.

[] (BY FAX) I caused such documents to be transmitted by facsimile to the offices of the addressee(s). The facsimile machine used complied with California Rules of Court, Rule 2003, and no error was reported by the machine.

[] (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand to the offices of the addressee(s). [ORIGINAL PROOF OF PERSONAL SERVICE TO BE FILED UNDER SEPARATE COVER].

[] STATE - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

[X] FEDERAL - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed this 13th day of November, 2000, at Los Angeles, California.

THURMAN JEAN PEDEN
Declarant

SERVICE LIST

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