

**This docket is current through 11/08/2007**

**Current Date:** 2/9/2019

**Source:** SUPERIOR COURT, ALAMEDA COUNTY, CALIFORNIA

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**CASE INFORMATION**

**Case Title:** CAPITOL PEOPLE FIRST v. DEPARTMENT OF DEVELOPMENTAL SERVICES  
**Court:** SUPERIOR COURT, ALAMEDA COUNTY  
**Case Number:** 2002038715  
**Case Type:** CIVIL  
**Case Subtype:** GENERAL CIVIL  
**Key Nature of Suit:** Writs; Mandamus (450.15)  
**Description:** WRIT OF MANDATE  
**Date Filed:** 01/25/2002  
**Location:** RENE C. DAVIDSON ALAMEDA COUNTY COURTHOUSE

**PARTICIPANT INFORMATION**

**CAPITOL PEOPLE FIRST**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** JOHN W. FOWLER  
**Attorney Address:** 1900 UNIVERSITY AVENUE  
EAST PALO ALTO, CA 94303  
**Attorney Phone:** 650-849-4400  
**Attorney Fax:** 650-849-4800  
**Firm Name:** BINGHAM MCCUTCHEN LLP

**ADOLPH ANGULO**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**HARRY ASPREY**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**EDSON CRUZ**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201

**Firm Name:** PROTECTION & ADVOCACY, INC.

**DAVID KELTY**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**KIMBERLY MCANNELLY**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**ANDRE MILLS**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200

**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**ALANA RIDGEWAY**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**AVERY RUSSELL**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**MELBERT SCHANZENBACH**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612

**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**JOELLEN VENTURA**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**JIMMY WHITE**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**SHAWN WOODWARD-KATZ**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT

**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612

**Attorney Phone:** 510-267-1200

**Attorney Fax:** 510-267-1201

**Firm Name:** PROTECTION & ADVOCACY, INC.

**JANICE LORD-WALKER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE

**Type:** PETITIONER

**Attorney:** ELLEN S. GOLDBLATT

**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612

**Attorney Phone:** 510-267-1200

**Attorney Fax:** 510-267-1201

**Firm Name:** PROTECTION & ADVOCACY, INC.

**CURTIS KITTY CONE**

**Associated Claim:** PETITION FOR WRIT OF MANDATE

**Type:** PETITIONER

**Attorney:** ELLEN S. GOLDBLATT

**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612

**Attorney Phone:** 510-267-1200

**Attorney Fax:** 510-267-1201

**Firm Name:** PROTECTION & ADVOCACY, INC.

**CALIFORNIA ALLIANCE FOR INCLUSIVE COMMUNITIES INC.**

**Associated Claim:** PETITION FOR WRIT OF MANDATE

**Type:** PETITIONER

**CAPITOL PEOPLE FIRST v. DEPARTMENT OF..., 2002038715 (2002)**

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**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
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**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**THE ARC OF CALIFORNIA**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**LUCIEN CORPLONGO**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**DOUGH CORPLONGO**

**Associated Claim:** PETITION FOR WRIT OF MANDATE

**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**JANIE SCHUSTER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** MICHAEL T. PYLE  
**Attorney Address:** 1900 UNIVERSITY AVE.  
EAST PALO ALTO, CA 94303-2223  
**Attorney Phone:** 650-849-4400  
**Attorney Fax:** 650-849-4800  
**Firm Name:** BINGHAM MCCUTCHEM LLP

**TONY ANDERSON**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**JACOB MYERS**



**CAPITOL PEOPLE FIRST v. DEPARTMENT OF..., 2002038715 (2002)**

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OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**KAY ASHBROOK**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**RAY MYERS**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**JOHN KELLY**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**JOHN PINEDA**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**DEBORAH A. DORFMAN**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**SHARON FORSTER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** PETITIONER  
**Attorney:** ELLEN S. GOLDBLATT  
**Attorney Address:** 1330 BROADWAY, SUITE 500  
OAKLAND, CA 94612  
**Attorney Phone:** 510-267-1200  
**Attorney Fax:** 510-267-1201  
**Firm Name:** PROTECTION & ADVOCACY, INC.

**DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** TODD A. BOLEY  
**Attorney Address:** 483 9TH STREET, STE. 200  
OAKLAND, CA 94607  
**Attorney Phone:** 510-839-3448  
**Firm Name:** ERICKSON, BEASLEY, HEWITT & WILSON

**CLIFF ALLENBY**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** SUSAN M CARSON  
**Attorney Address:** 455 GOLDEN GATE AVENUE, SUITE 11000  
SAN FRANCISCO, CA 94102-7004  
**Attorney Phone:** 415-703-5603  
**Attorney Fax:** 415-703-1107  
**Firm Name:** STATE OF CALIFORNIA - ATTORNEY GENERAL'S OFFICE

**STATE OF CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY (CHHS)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** HENRY S. HEWITT  
**Attorney Address:** 483 NINTH STREET,SUITE 200  
OAKLAND, CA 94607  
**Firm Name:** ERICKSON, BEASLEY, HEWITT & WILSON

**GRANTLAND JOHNSON**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** HENRY S. HEWITT  
**Attorney Address:** 483 NINTH STREET,SUITE 200  
OAKLAND, CA 94607  
**Firm Name:** ERICKSON, BEASLEY, HEWITT & WILSON

**DEPARTMENT OF HEALTH SERVICES (DHS)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** HENRY S. HEWITT  
**Attorney Address:** 483 NINTH STREET,SUITE 200  
OAKLAND, CA 94607  
**Firm Name:** ERICKSON, BEASLEY, HEWITT & WILSON

**DIANA BONTA**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT

**CAPITOL PEOPLE FIRST v. DEPARTMENT OF..., 2002038715 (2002)**

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**Attorney:** HENRY S. HEWITT  
**Attorney Address:** 483 NINTH STREET,SUITE 200  
OAKLAND, CA 94607  
**Firm Name:** ERICKSON, BEASLEY, HEWITT & WILSON

**DEPARTMENT OF FINANCE (DOF)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** HENRY S. HEWITT  
**Attorney Address:** 483 NINTH STREET,SUITE 200  
OAKLAND, CA 94607  
**Firm Name:** ERICKSON, BEASLEY, HEWITT & WILSON

**B. TIMOTHY GAGE**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** HENRY S. HEWITT  
**Attorney Address:** 483 NINTH STREET,SUITE 200  
OAKLAND, CA 94607  
**Firm Name:** ERICKSON, BEASLEY, HEWITT & WILSON

**ALTA CALIFORNIA REGIONAL CENTER INC. (ACRC)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** BETTE B. EPSTEIN  
**Attorney Address:** 1999 HARRISON STREET  
OAKLAND, CA 94612  
**Attorney Phone:** 510-763-2000  
**Firm Name:** REED, SMITH, CROSBY, HEAFEY

**CENTRAL VALLEY REGIONAL CENTER INC. (CVRC)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** PETER T. HAVEN  
ONE WILSHIRE BLVD  
**Attorney Address:** LOS ANGELES, CA 90017-3383  
**Attorney Phone:** 213-629-7600  
**Attorney Fax:** 213-624-1376  
**Firm Name:** MUSICK, PEELER & GARRETT

**EASTERN LOS ANGELES REGIONAL CENTER INC. (ELARC)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** PETER T. HAVEN  
ONE WILSHIRE BLVD  
**Attorney Address:** LOS ANGELES, CA 90017-3383  
**Attorney Phone:** 213-629-7600  
**Attorney Fax:** 213-624-1376  
**Firm Name:** MUSICK, PEELER & GARRETT

**FAR NORTHERN COORDINATING COUNCIL ON DEVELOPEMENTAL DISABILITIES**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** BETTE B. EPSTEIN  
**Attorney Address:** 1999 HARRISON STREET  
OAKLAND, CA 94612  
**Attorney Phone:** 510-763-2000

**Firm Name:** REED, SMITH, CROSBY, HEAFEY

**LOS ANGELES COUNTY DEVELOPMENTAL SERVICES FOUNDATION**

**Associated Claim:** PETITION FOR WRIT OF MANDATE

**Type:** RESPONDENT

**GOLDEN GATE REGIONAL CENTER INC. (GGRC)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE

**Type:** RESPONDENT

**Attorney:** RUFUS L. COLE

**Attorney Address:** 720 MARKET STREET, PENTHOUSE SUITE  
SAN FRANCISCO, CA 94102-2500

**Attorney Phone:** 415-956-8800

**Attorney Fax:** 415-956-8811

**Firm Name:** COLE & FASANO

**HARBOR DEVELOPMENTAL DISABILITIES FOUNDATION**

**Associated Claim:** PETITION FOR WRIT OF MANDATE

**Type:** RESPONDENT

**Attorney:** PETER T. HAVEN

ONE WILSHIRE BLVD

**Attorney Address:** LOS ANGELES, CA 90017-3383

**Attorney Phone:** 213-629-7600

**Attorney Fax:** 213-624-1376

**Firm Name:** MUSICK, PEELER & GARRETT

**INLAN REGIONAL CENTER INC. (IRC)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** PETER T. HAVEN  
ONE WILSHIRE BLVD  
**Attorney Address:** LOS ANGELES, CA 90017-3383  
**Attorney Phone:** 213-629-7600  
**Attorney Fax:** 213-624-1376  
**Firm Name:** MUSICK, PEELER & GARRETT

**NORTH BAY DEVELOPMENTAL DISABILITIES SERVICES INC.**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT

**NORTH LOS ANGELES COUNTY REGIONAL CENTER INC. (NLACRC)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** PETER T. HAVEN  
ONE WILSHIRE BLVD  
**Attorney Address:** LOS ANGELES, CA 90017-3383  
**Attorney Phone:** 213-629-7600  
**Attorney Fax:** 213-624-1376  
**Firm Name:** MUSICK, PEELER & GARRETT

**REDWOOD COAST DEVELOPMENTAL SERVICE CORPORATION**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT



**REGIONAL CENTER OF THE EAS BAY INC. (RCEB)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** BETTE B. EPSTEIN  
**Attorney Address:** 1999 HARRISON STREET  
OAKLAND, CA 94612  
**Attorney Phone:** 510-763-2000  
**Firm Name:** REED, SMITH, CROSBY, HEAFEY

**REGIONAL CENTER OF ORANGE COUNTY INC. (RCOC)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** M. LOIS BOABAK  
**Attorney Address:** 701 SOUTH PARKER STREET, SUITE 8000  
ORANGE, CA 92868-4760  
**Attorney Phone:** 714-558-7000  
**Attorney Fax:** 714-835-7787  
**Firm Name:** WOODRUFF, SPRADLIN & SMART

**SAN ANDREAS REGIONAL CENTER (SARC)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** BETTE B. EPSTEIN  
**Attorney Address:** 1999 HARRISON STREET  
OAKLAND, CA 94612  
**Attorney Phone:** 510-763-2000  
**Firm Name:** REED, SMITH, CROSBY, HEAFEY

**SAN DIEGO-IMPERIAL COUNTIES DEVELOPMENTAL SERVICE INC.**

**CAPITOL PEOPLE FIRST v. DEPARTMENT OF..., 2002038715 (2002)**

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**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** DUANE C. MUSFELT  
**Attorney Address:** ONE SANSOME STREET, SUITE 1400  
SAN FRANCISCO, CA 94104  
**Attorney Phone:** 415-362-2580  
**Attorney Fax:** 415-434-0882  
**Firm Name:** LEWIS BRISBOIS, BISGAARD & SMITH

**SAN GABRIEL/POMONA VALLEYS DEVELOPMENTAL SERVICES INC.**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** PETER T. HAVEN  
ONE WILSHIRE BLVD  
**Attorney Address:** LOS ANGELES, CA 90017-3383  
**Attorney Phone:** 213-629-7600  
**Attorney Fax:** 213-624-1376  
**Firm Name:** MUSICK, PEELER & GARRETT

**SOUTH CENTRAL LOS ANGELES REGIONAL CENTER FOR DEVELOPMENTALLY DISABLED, PERSONS INC.**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** PETER T. HAVEN  
ONE WILSHIRE BLVD  
**Attorney Address:** LOS ANGELES, CA 90017-3383  
**Attorney Phone:** 213-629-7600  
**Attorney Fax:** 213-624-1376  
**Firm Name:** MUSICK, PEELER & GARRETT

**TRI-COUNTIES ASSOCIATION FOR THE DEVELOPMENTALLY DISABLED INC.**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT

**VALLEY MOUNTAIN REGIONAL CENTER INC. (VMRC)**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** BRUCE MACKENZIE  
**Attorney Address:** 15 W. CARRILLO STREET, ROOM 217  
SANTA BARBARA, CA 93101  
**Attorney Phone:** 805-452-3535  
**Attorney Fax:** 805-456-0235  
**Firm Name:** BRUCE MACKENZIE ATTORNEY AT LAW

**COASTAL DEVELOPMENTAL SERVICES FOUNDATION**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** CAROL CHOW  
**Attorney Address:** 555 WEST FIFTH STREET, SUITE 3500  
LOS ANGELES, CA 90013-1024  
**Attorney Phone:** 213-892-5200  
**Attorney Fax:** 213-892-5454  
**Firm Name:** MORRISON & FOERSTER LLP

**KERN REGIONAL CENTER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT

**Attorney:** BRUCE MACKENZIE  
**Attorney Address:** 15 W. CARRILLO STREET, ROOM 217  
SANTA BARBARA, CA 93101  
**Attorney Phone:** 805-452-3535  
**Attorney Fax:** 805-456-0235  
**Firm Name:** BRUCE MACKENZIE ATTORNEY AT LAW

**TRI-COUNTIES REGIONAL CENTER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** BRUCE MACKENZIE  
**Attorney Address:** 15 W. CARRILLO STREET, ROOM 217  
SANTA BARBARA, CA 93101  
**Attorney Phone:** 805-452-3535  
**Attorney Fax:** 805-456-0235  
**Firm Name:** BRUCE MACKENZIE ATTORNEY AT LAW

**NORTH BAY REGIONAL CENTER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
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**Attorney:** BETTE B. EPSTEIN  
**Attorney Address:** 1999 HARRISON STREET  
OAKLAND, CA 94612  
**Attorney Phone:** 510-763-2000  
**Firm Name:** REED, SMITH, CROSBY, HEAFEY

**REDWOOD COAST REGIONAL CENTER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
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**Attorney Address:** 15 W. CARRILLO STREET, ROOM 217  
SANTA BARBARA, CA 93101  
**Attorney Phone:** 805-452-3535  
**Attorney Fax:** 805-456-0235  
**Firm Name:** BRUCE MACKENZIE ATTORNEY AT LAW

**FRANK D. LANTERMAN REGIONAL CENTER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** PETER T. HAVEN  
ONE WILSHIRE BLVD  
**Attorney Address:** LOS ANGELES, CA 90017-3383  
**Attorney Phone:** 213-629-7600  
**Attorney Fax:** 213-624-1376  
**Firm Name:** MUSICK, PEELER & GARRETT

**CAR CASH/PCR**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT

**WESTSIDE REGIONAL CENTER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** RESPONDENT  
**Attorney:** WILLIAM S KRONENBERG  
**Attorney Address:** 88 KEARNEY STREET,10TH FL.  
SAN FRANCISCO, CA 94108-5530  
**Attorney Phone:** 415-788-1900  
**Attorney Fax:** 415-393-8087  
**Firm Name:** MURPHY,PEARSON,BRADLEY & FEENEY

**COLLEEN CROSS**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** PATRICK R. MCKINNEY  
**Attorney Address:** 235 MONTGOMERY STREET, 30TH FLOOR  
SAN FRANCISCO, CA 94104  
**Attorney Phone:** 415-954-4400  
**Attorney Fax:** 415-954-4480  
**Firm Name:** FARELLA BRAUN & MARTEL LLP

**BRENDAN O'HARE**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** PATRICK R. MCKINNEY  
**Attorney Address:** 235 MONTGOMERY STREET, 30TH FLOOR  
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**Firm Name:** FARELLA BRAUN & MARTEL LLP

**FARRELL HICKS**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** PATRICK R. MCKINNEY  
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**MATTHEW PRESTON**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** PATRICK R. MCKINNEY  
**Attorney Address:** 235 MONTGOMERY STREET, 30TH FLOOR  
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**Firm Name:** FARELLA BRAUN & MARTEL LLP

**LINDA TURNER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** PATRICK R. MCKINNEY  
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**Firm Name:** FARELLA BRAUN & MARTEL LLP

**DALE DONALDSON**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** PATRICK R. MCKINNEY  
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**Firm Name:** FARELLA BRAUN & MARTEL LLP

**MARC MADEN**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** PATRICK R. MCKINNEY  
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**CHRISTI HOUGE**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** PATRICK R. MCKINNEY  
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**Firm Name:** FARELLA BRAUN & MARTEL LLP



**MICHAEL PATRICK O'RIORDAN**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** PATRICK R. MCKINNEY  
**Attorney Address:** 235 MONTGOMERY STREET, 30TH FLOOR  
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**Firm Name:** FARELLA BRAUN & MARTEL LLP

**ANDREA WALTER**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** PATRICK R. MCKINNEY  
**Attorney Address:** 235 MONTGOMERY STREET, 30TH FLOOR  
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**Firm Name:** FARELLA BRAUN & MARTEL LLP

**CALIFORNIA ASSOCIATION OF STATE HOSPITAL PARENT COUNCILS FOR THE RETARDED**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** MARK D. PETERSEN  
**Attorney Address:** RUSS BUILDING,30TH FLOOR, 235 MONTGOMERY STREET  
SAN FRANCISCO, CA 94104  
**Attorney Phone:** 415-954-4400  
**Attorney Fax:** 415-954-4480  
**Firm Name:** FARELLA BRAUN & MARTEL LLP

**CALIFORNIA ASSOCIATION FOR THE RETARDED**

**Associated Claim:** PETITION FOR WRIT OF MANDATE  
**Type:** INTERVENOR  
**Attorney:** MARK D. PETERSEN  
**Attorney Address:** RUSS BUILDING,30TH FLOOR, 235 MONTGOMERY STREET  
 SAN FRANCISCO, CA 94104  
**Attorney Phone:** 415-954-4400  
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**Firm Name:** FARELLA BRAUN & MARTEL LLP

**CALENDAR INFORMATION (83)**

<b>Date/Time:</b>	<b>Description:</b>	<b>Location:</b>	<b>Judge:</b>
02/14/2008 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 20	
10/25/2007 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 20	ROBERT FREEDMAN
02/08/2007 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 20	ROBERT FREEDMAN
01/18/2007 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 20	ROBERT FREEDMAN
11/30/2006 02:00 PM	<b>Event:</b> MOTION	<b>Department:</b> 20	ROBERT FREEDMAN
04/07/2006 09:00 AM	<b>Event:</b> MOTION FOR SUMMARY JUDGMENT/ADJUDICATION	<b>Department:</b> 20	ROBERT FREEDMAN
02/08/2006 09:00 AM	<b>Event:</b> MOTION FOR JUDGMENT ON THE PLEADINGS	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> MOTION FOR JUDGMENT ON THE PLEADINGS	<b>Department:</b> 22	RONALD M. SABRAW

02/08/2006 09:00 AM	<b>Event:</b> MOTION TO SEAL RECORD	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> MOTION FOR JUDGMENT ON THE PLEADINGS	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> MOTION FOR JUDGMENT ON THE PLEADINGS	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> MOTION TO COMPEL FURTHER ANSWERS TO INTERROGATORIES	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> MOTION TO COMPEL ANSWERS TO INTERROGATORIES	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> MOTION FOR JUDGMENT ON THE PLEADINGS	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> MOTION FOR JUDGMENT ON THE PLEADINGS	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> MOTION TO COMPEL FURTHER ANSWERS TO INTERROGATORIES	<b>Department:</b> 22	RONALD M. SABRAW
02/08/2006 09:00 AM	<b>Event:</b> MOTION FOR JUDGMENT ON THE PLEADINGS	<b>Department:</b> 22	RONALD M. SABRAW
01/11/2006	<b>Event:</b> CASE MANAGEMENT	<b>Department:</b> 22	RONALD M. SABRAW

03:00 PM	CONFERENCE		
12/22/2005 01:00 PM	<b>Event:</b> MOTION FOR CLASS CERTIFICATION	<b>Department:</b> 22	RONALD M. SABRAW
12/22/2005 01:00 PM	<b>Event:</b> MOTION TO SEAL RECORD	<b>Department:</b> 22	RONALD M. SABRAW
12/22/2005 01:00 PM	<b>Event:</b> MOTION TO SEAL RECORD	<b>Department:</b> 22	RONALD M. SABRAW
12/22/2005 02:00 PM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
11/21/2005 09:00 AM	<b>Event:</b> OTHER EXPARTE	<b>Department:</b> 14	YOLANDA NORTHRIDGE
11/03/2005 03:30 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
10/26/2005 08:30 AM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
10/19/2005 04:00 PM	<b>Event:</b> MOTION TO COMPEL FURTHER ANSWERS TO INTERROGATORIES	<b>Department:</b> 22	RONALD M. SABRAW
10/13/2005 04:30 PM	<b>Event:</b> MOTION FOR PROTECTIVE ORDER	<b>Department:</b> 22	RONALD M. SABRAW
09/30/2005 11:30 AM	<b>Event:</b> MOTION FOR PROTECTIVE ORDER	<b>Department:</b> 22	RONALD M. SABRAW
09/30/2005 11:30 AM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
09/30/2005 11:30 AM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
08/05/2005 11:00 AM	<b>Event:</b> MOTION TO SEAL RECORD	<b>Department:</b> 22	RONALD M. SABRAW
08/05/2005	<b>Event:</b> MOTION FOR	<b>Department:</b> 22	RONALD M. SABRAW

11:00 AM	JOINDER		
07/20/2005 01:30 PM	<b>Event:</b> MOTION FOR PROTECTIVE ORDER	<b>Department:</b> 22	RONALD M. SABRAW
07/20/2005 01:30 PM	<b>Event:</b> MOTION TO SEAL RECORD	<b>Department:</b> 22	RONALD M. SABRAW
06/15/2005 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
06/15/2005 02:00 PM	<b>Event:</b> MOTION TO AMEND COMPLAINT	<b>Department:</b> 22	RONALD M. SABRAW
06/15/2005 02:00 PM	<b>Event:</b> MOTION TO COMPEL FURTHER ANSWERS TO INTERROGATORIES	<b>Department:</b> 22	RONALD M. SABRAW
06/15/2005 02:00 PM	<b>Event:</b> MOTION TO COMPEL PRODUCTION OF DOCUMENTS	<b>Department:</b> 22	RONALD M. SABRAW
05/03/2005 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
03/02/2005 11:00 AM	<b>Event:</b> MOTION TO COMPEL (MOTION)	<b>Department:</b> 22	RONALD M. SABRAW
01/26/2005 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
01/04/2005 02:00 PM	<b>Event:</b> DEMURRER	<b>Department:</b> 22	RONALD M. SABRAW
01/04/2005 02:00 PM	<b>Event:</b> MOTION TO AMEND	<b>Department:</b> 22	RONALD M. SABRAW
10/13/2004 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
09/23/2004 02:00 PM	<b>Event:</b> DEMURRER TO THE FIRST AMENDED COMPLAINT	<b>Department:</b> 22	RONALD M. SABRAW

09/23/2004 02:00 PM	<b>Event:</b> MOTION FOR RECONSIDERATION	<b>Department:</b> 22	RONALD M. SABRAW
05/27/2004 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
02/05/2004 11:00 AM	<b>Event:</b> MOTION FOR JUDGMENT ON THE PLEADINGS	<b>Department:</b> 22	RONALD M. SABRAW
12/04/2003 09:00 AM	<b>Event:</b> MOTION RE: CLARIFICATION	<b>Department:</b> 22	RONALD M. SABRAW
11/03/2003 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
11/03/2003 02:00 PM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
11/03/2003 02:00 PM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
11/03/2003 02:00 PM	<b>Event:</b> MOTION FOR SUMMARY ADJUDICATION	<b>Department:</b> 22	RONALD M. SABRAW
11/03/2003 02:00 PM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
11/03/2003 02:00 PM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
11/03/2003 02:00 PM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
11/03/2003 02:00 PM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
11/03/2003 02:00 PM	<b>Event:</b> MOTION FOR JUDGMENT ON THE PLEADINGS	<b>Department:</b> 22	RONALD M. SABRAW
06/09/2003	<b>Event:</b> CASE MANAGEMENT	<b>Department:</b> 22	RONALD M. SABRAW

10:00 AM	CONFERENCE		
04/07/2003 10:00 AM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
03/26/2003 11:00 AM	<b>Event:</b> MOTION TO COMPEL OF PRODUCTION OF DOCUMENTS	<b>Department:</b> 22	RONALD M. SABRAW
03/26/2003 11:00 AM	<b>Event:</b> MOTION TO COMPEL FURTHER RESPONSES	<b>Department:</b> 22	RONALD M. SABRAW
01/23/2003 03:00 PM	<b>Event:</b> MOTION	<b>Department:</b> 22	RONALD M. SABRAW
10/24/2002 03:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
10/24/2002 03:00 PM	<b>Event:</b> MOTION TO COMPEL OF PRODUCTION OF DOCUMENTS	<b>Department:</b> 22	RONALD M. SABRAW
09/05/2002 02:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
09/05/2002 02:00 PM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
09/05/2002 02:00 PM	<b>Event:</b> MOTION FOR PROTECTIVE ORDER	<b>Department:</b> 22	RONALD M. SABRAW
08/21/2002 04:15 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
07/25/2002 04:00 PM	<b>Event:</b> MOTION FOR PROTECTIVE ORDER	<b>Department:</b> 22	RONALD M. SABRAW
06/13/2002 10:00 AM	<b>Event:</b> MOTION FOR JOINDER	<b>Department:</b> 22	RONALD M. SABRAW
06/13/2002 10:00 AM	<b>Event:</b> MOTION TO STAY PROCEEDINGS	<b>Department:</b> 22	RONALD M. SABRAW

06/13/2002 10:00 AM	<b>Event:</b> MOTION TO STAY PROCEEDINGS	<b>Department:</b> 22	RONALD M. SABRAW
06/13/2002 10:00 AM	<b>Event:</b> MOTION TO STAY PROCEEDINGS	<b>Department:</b> 22	RONALD M. SABRAW
06/13/2002 10:00 AM	<b>Event:</b> MOTION TO STAY PROCEEDINGS	<b>Department:</b> 22	RONALD M. SABRAW
06/13/2002 10:00 AM	<b>Event:</b> MOTION TO STAY PROCEEDINGS	<b>Department:</b> 22	RONALD M. SABRAW
06/13/2002 10:00 AM	<b>Event:</b> MOTION TO BIFURCATE PRE-CERTIFICATION	<b>Department:</b> 22	RONALD M. SABRAW
06/13/2002 10:00 AM	<b>Event:</b> DEMURRER TO COMPLAINT	<b>Department:</b> 22	RONALD M. SABRAW
05/24/2002 11:00 AM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
03/26/2002 03:00 PM	<b>Event:</b> CASE MANAGEMENT CONFERENCE	<b>Department:</b> 22	RONALD M. SABRAW
03/08/2002 02:00 PM	<b>Event:</b> PETITION FOR WRIT OF MANDATE	<b>Department:</b> 22	RONALD M. SABRAW

**DOCKET PROCEEDINGS (268)**

<b>Date:</b>	<b>Entry #:</b>	<b>Description:</b>	<b>Date Docketed:</b>	<b>Party:</b>
10/05/2005		<b>Document Description:</b> THIS TENTATIVE RULING IS ISSUED BY JUDGE RONALD M. SABRAW MOTION OF PLAINTIFFS FOR PROTECTIVE ORDER REGARDING USE OF CONFIDENTIAL INFORMATION IS DENIED. PROCEDURAL NOTE. THIS MOTION CONCERNS THE USE AND EXCHANGE OF CONFIDENTIAL INFORMATION OUTSIDE THE COURT SUPERVISED DISCOVERY PROCESS. THE QUESTION AND ANSWER SESSIONS INVOLVING REPRESENTATIVES OF THE REGIONAL CENTERS AND THE STATE DEFENDANTS ARE NOT DEPOSITIONS UNDER C.C.P. 2025.010 ET SEQ. IN ADDITION, THE		



DOCUMENTS THAT ARE BEING ALLEGEDLY VIEWED AND EXCHANGED WERE APPARENTLY EXCHANGED VOLUNTARILY BETWEEN THE REGIONAL CENTERS AND THE STATE DEFENDANTS AND WERE NOT COMPELLED UNDER C.C.P. 2031.010 ET SEQ. GIVEN THESE FACTS, THE COURT NOTES THAT PLAINTIFFS' REMEDY MIGHT BE A SEPARATE ACTION FOR DAMAGES OR INJUNCTION UNDER WELFARE AND INSTITUTIONS CODE 4518. ALTHOUGH THE USE (OR ABUSE) OF INFORMATION IN THE CONDUCT OF LITIGATION IS NORMALLY HANDLED BY THE COURT THAT IS MANAGING THE CASE, CEDARS-SINAI MED. CTR. V. SUPERIOR COURT (1998) 18 CAL. 4TH 1, IN THIS SITUATION THE INFORMATION WAS NOT OBTAINED UNDER COURT SUPERVISION, THE COURT HAS NOT IMPOSED ANY LIMITS ON THE EXCHANGE OR USE OF INFORMATION THAT IS OBTAINED OUTSIDE THE DISCOVERY PROCESS, AND THE LEGISLATURE HAS PROVIDED AN EXPRESS REMEDY FOR DISCLOSURES OF CONFIDENTIAL INFORMATION. THAT SAID, THE PARTIES SEEK TO RESOLVE THESE ISSUES IN THE CONTEXT OF A MOTION FOR A PROTECTIVE ORDER AND THE COURT WILL DO SO. MERITS. THIS MOTION CONCERNS COMMUNICATIONS BETWEEN THE REGIONAL CENTERS AND THE STATE DEFENDANTS. THE "STATE DEFENDANTS" ARE THE DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS), THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES (DHS), AND THE DEPARTMENT OF MENTAL HEALTH, ALL OF WHICH ARE PART OF THE CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY (HHS). THE DEPARTMENT OF FINANCE (DOF) IS ALSO A "STATE DEFENDANT." AT ISSUE IS WHETHER WELFARE AND INSTITUTIONS CODE 4514 RESTRICTS THE SHARING OF CONFIDENTIAL INFORMATION AMONG THE REGIONAL CENTERS AND THE STATE DEFENDANTS WHEN THEY ARE CO-DEFENDANTS IN AN ACTION THAT CONCERNS THAT CONFIDENTIAL INFORMATION. LACHES/WAIVER/SANCTIONS REGARDING PAST CONDUCT. THE COURT WILL NOT IMPOSE SANCTIONS ON THE STATE DEFENDANTS OR THE REGIONAL CENTERS FOR THEIR PAST CONDUCT OR LIMIT THEIR USE OF INFORMATION OBTAINED BEFORE THE ORDER ON THIS MOTION. THE ISSUES PRESENTED BY THIS MOTION FIRST CAME TO THE ATTENTION OF PLAINTIFFS IN OR BEFORE OCTOBER 2003

AND PLAINTIFFS RAISED THOSE ISSUES WITH DEFENDANTS IN OCTOBER 2003. PLAINTIFFS ARE RESPONSIBLE FOR THE CONSEQUENCES OF THEIR DELAY IN BRINGING THIS ISSUE TO THE COURT. THIS DOES NOT PRECLUDE OR AFFECT ANY SEPARATE ACTION UNDER WELFARE AND INSTITUTIONS 4518. GUIDELINES FOR FUTURE CONDUCT. THE COURT FINDS THAT THE DISCLOSURE AND USE OF CONFIDENTIAL INFORMATION BY THE REGIONAL CENTERS IS LIMITED BY WELFARE AND INSTITUTIONS CODE 4514. THE LEGISLATURE IMPOSED LIMITS ON THE DISCLOSURE AND USE OF CONFIDENTIAL INFORMATION AND THOSE LIMITS APPLY EVEN WHEN THE REGIONAL CENTERS FIND THEMSELVES AS CO-DEFENDANTS WITH THE STATE DEFENDANTS. THE COURT HAS CONSIDERED, AND REJECTS, THE ARGUMENT OF THE STATE DEFENDANTS THAT THE COURT SHOULD CONSIDER THE PRACTICALITIES OF JOINT DEFENSE AND THE BURDEN THAT WOULD BE IMPOSED IF THE DEFENDANTS COULD NOT SHARE INFORMATION INFORMALLY AMONG THEMSELVES. SECTION 4514 SETS LIMITATIONS ON DISCLOSURE AND EXCHANGE OF INFORMATION, AND IT IS NOT RELEVANT TO THIS MOTION WHETHER COMPLIANCE WITH THAT STATUTE WOULD IMPOSE A BURDEN ON THE DEFENDANTS. THE REGIONAL CENTERS CAN, HOWEVER, EXCHANGE RECORDS AND DISCUSS INFORMATION IF IT IS PERMITTED BY THE EXCEPTIONS TO SECTION 4514. SECTION 4514(B). THE COURT FINDS THAT SECTION 4514(B) IS APPLICABLE TO THE SITUATION PRESENTED. SECTION 4514(B) STATES THAT A REGIONAL CENTER MAY EXCHANGE RECORDS AND DISCUSS INFORMATION "WHEN THE PERSON WITH A DEVELOPMENTAL DISABILITY, WHO HAS THE CAPACITY TO GIVE INFORMED CONSENT, DESIGNATES INDIVIDUALS TO WHOM INFORMATION OR RECORDS MAY BE RELEASED, EXCEPT THAT NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO COMPEL A PHYSICIAN, PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, NURSE, ATTORNEY, OR OTHER PROFESSIONAL TO REVEAL INFORMATION THAT HAS BEEN GIVEN TO HIM OR HER IN CONFIDENCE BY A FAMILY MEMBER OF THE PERSON UNLESS A VALID RELEASE HAS BEEN EXECUTED BY THAT FAMILY MEMBER." THE WAIVER DOCTRINE THAT NORMALLY APPLIES TO THE PRODUCTION OF DISCOVERY

IS NOT APPLICABLE IN THIS SITUATION BECAUSE THE REGIONAL CENTERS AND THE STATE DEFENDANTS ARE NOT SEEKING TO OBTAIN OR EXCHANGE THE INFORMATION IN THE DISCOVERY PROCESS. HOWEVER, BY FILING THIS LAWSUIT, THE PLAINTIFFS EFFECTIVELY AGREED THAT INFORMATION OR RECORDS RELEVANT TO THE CLAIMS IN THIS CASE COULD BE RELEASED TO THE REGIONAL CENTERS AND THE DDS FOR PURPOSES RELATED TO THIS LAWSUIT. THE RESTRICTIONS ON DISCLOSURE OR EXCHANGE OF INFORMATION FROM FAMILY MEMBERS WOULD REMAIN IN EFFECT. SECTION 4514(C). THE COURT FINDS THAT SECTION 4514(C) IS APPLICABLE TO THE SITUATION PRESENTED. SECTION 4514(C) STATES THAT A REGIONAL CENTER MAY EXCHANGE RECORDS AND DISCUSS INFORMATION "TO THE EXTENT NECESSARY FOR A CLAIM, OR FOR A CLAIM OR APPLICATION TO BE MADE ON BEHALF OF A PERSON WITH A DEVELOPMENTAL DISABILITY FOR AID, INSURANCE, GOVERNMENT BENEFIT, OR MEDICAL ASSISTANCE TO WHICH HE OR SHE MAY BE ENTITLED." THIS LAWSUIT QUALIFIES AS "A CLAIM FOR AID, GOVERNMENT BENEFIT, OR MEDICAL ASSISTANCE TO WHICH [A PERSON WITH A DEVELOPMENTAL DISABILITY] MAY BE ENTITLED." THE IMPLICIT ISSUE IS WHETHER THIS SECTION APPLIES ONLY WHEN THE REGIONAL CENTERS ARE SEEKING ADDITIONAL ASSISTANCE FOR PERSONS WITH DEVELOPMENTAL DISABILITIES OR ALSO APPLIES WHEN REGIONAL CENTERS ARE SEEKING TO DEMONSTRATE THAT THEY HAVE ALREADY PROVIDED THE REQUIRED ASSISTANCE TO PERSONS WITH DEVELOPMENTAL DISABILITIES. THE COURT HOLDS THAT THE INTENT OF THE REGIONAL CENTERS IS NOT RELEVANT TO THE INQUIRY FOR TWO REASONS. FIRST, THE STATUTE DOES NOT SUGGEST THAT THE INTENT OF THE REGIONAL CENTERS IS A FACTOR. SECOND, IF INTENT WERE A FACTOR, THE STANDARD WOULD BE UNWORKABLE BECAUSE A REGIONAL CENTER COULD START EVALUATING A CLAIM INTENDING TO TAKE ONE COURSE OF ACTION THEN CHANGE ITS APPROACH AS INFORMATION BECAME AVAILABLE. THE COURT FINDS THAT SECTION 4514(N) PERMITS THE INFORMAL EXCHANGE OF RECORDS AND DISCUSSION OF INFORMATION BETWEEN AND AMONG THE REGIONAL CENTERS AND THE STATE

DEFENDANTS IN CONNECTION WITH EVALUATING THE CLAIMS OF THE PLAINTIFFS IN THIS CASE FOR AID AND GOVERNMENT BENEFITS. SECTION 4514(F). SECTION 4514(F) IS NOT APPLICABLE TO THE SITUATION PRESENTED. SECTION 4514 (F) STATES THAT A REGIONAL CENTER MAY EXCHANGE RECORDS AND DISCUSS INFORMATION "TO THE COURTS, AS NECESSARY TO THE ADMINISTRATION OF JUSTICE." THIS SECTION WOULD PROBABLY PERMIT THE PRODUCTION OF INFORMATION AND RECORDS IN DISCOVERY (BECAUSE DISCOVERY IS UNDER COURT SUPERVISION) AND WOULD PERMIT THE COURT TO ORDER THE PRODUCTION OF RECORDS AND INFORMATION. THE FACTUAL SITUATION IS, HOWEVER, THE INFORMAL EXCHANGE OF INFORMATION AMONG PARTIES OUTSIDE THE FORMAL DISCOVERY PROCESS. IF THE INFORMATION WERE EXCHANGED IN THE FORMAL DISCOVERY PROCESS, THEN PLAINTIFFS WOULD HAVE A RIGHT TO RECEIVE ALL DOCUMENTS EXCHANGED AND TO PARTICIPATE IN ALL COMMUNICATIONS WITH WITNESSES. SECTION 4514(I). SECTION 4514(I) IS NOT APPLICABLE TO THE SITUATION PRESENTED. SECTION 4514 (F) STATES THAT A REGIONAL CENTER MAY EXCHANGE RECORDS AND DISCUSS INFORMATION "TO THE COURTS AND DESIGNATED PARTIES AS PART OF A REGIONAL CENTER REPORT OR ASSESSMENT IN COMPLIANCE WITH A STATUTORY OR REGULATORY REQUIREMENT, INCLUDING, BUT NOT LIMITED TO, [VARIOUS COMPLIANCE REPORTING REQUIREMENTS]." THIS SECTION DOES NOT APPLY TO THE FACTUAL SITUATION HERE BECAUSE THE INFORMAL EXCHANGES OF INFORMATION ARE NOT FOR THE PURPOSES OF CREATING A "REGIONAL CENTER REPORT OR ASSESSMENT." SECTION 4514(N). SECTION 4514(N) IS NOT APPLICABLE TO THE SITUATION PRESENTED. THE FIRST SENTENCE OF SECTION 4514(N) STATES THAT REGIONAL CENTERS CAN DISCLOSE INFORMATION AND RECORDS "TO AUTHORIZED LICENSING PERSONNEL WHO ARE EMPLOYED BY, OR WHO ARE AUTHORIZED REPRESENTATIVES OF, THE STATE DEPARTMENT OF HEALTH SERVICES, AND WHO ARE LICENSED OR REGISTERED HEALTH PROFESSIONALS, AS NECESSARY TO THE PERFORMANCE OF THEIR DUTIES TO INSPECT, LICENSE, AND INVESTIGATE HEALTH FACILITIES AND COMMUNITY CARE FACILITIES, AND TO

ENSURE THAT THE STANDARDS OF CARE AND SERVICES PROVIDED IN THESE FACILITIES ARE ADEQUATE AND APPROPRIATE AND TO ASCERTAIN COMPLIANCE WITH THE RULES AND REGULATIONS TO WHICH THE FACILITY IS SUBJECT." THE PURPOSE OF THIS LAWSUIT IS TO ENSURE THAT "THE STANDARDS OF CARE AND SERVICES PROVIDED IN [THE REGIONAL CENTERS] ARE ADEQUATE AND APPROPRIATE AND [COMPLY] WITH THE RULES AND REGULATIONS TO WHICH THE [REGIONAL CENTERS ARE] SUBJECT." THE COMMUNICATIONS AT ISSUE, HOWEVER, DO NOT APPEAR TO BE BETWEEN THE REGIONAL CENTERS AND PERSONS WHO ARE BOTH "[1] AUTHORIZED REPRESENTATIVES OF, THE STATE DEPARTMENT OF HEALTH SERVICES" AND [2] LICENSED OR REGISTERED HEALTH PROFESSIONALS." THE INFORMAL COMMUNICATIONS WERE WITH REPRESENTATIVES OF THE DDS, THE DMH, AND THE DOF AS WELL AS WITH REPRESENTATIVES OF THE DHS. IN ADDITION, DEFENDANTS MAKE NO ARGUMENT THAT THE PERSONS IN THE INFORMAL MEETINGS WERE "LICENSED OR REGISTERED HEALTH PROFESSIONALS." THEREFORE, THIS SUBSECTION IS NOT APPLICABLE. EFFECT OF PROTECTIVE ORDER. THE REGIONAL CENTERS AND THE DDS DO NOT APPEAR TO BE SHARING INFORMATION DESIGNATED AS "CONFIDENTIAL CONSUMER INFORMATION" UNDER PARAGRAPH 1 OF THE PROTECTIVE ORDER WITH PERSONS WHO ARE NOT ENTITLED TO SEE THAT INFORMATION UNDER PARAGRAPH 2 OF THE PROTECTIVE ORDER. THEREFORE, THERE DOES NOT APPEAR TO BE A VIOLATION OF THE PROTECTIVE ORDER. OTHER ISSUES. THE ARGUMENT OF DEFENDANTS CONCERNING THE LITIGATION PRIVILEGE (CIVIL CODE 47(B)) DOES NOT APPEAR RELEVANT TO THIS MOTION. THE LITIGATION PRIVILEGE PROTECTS PERSONS FROM CIVIL LIABILITY FOR THEIR ACTIONS IN EARLIER LITIGATION. THIS MOTION CONCERNS THE COURT'S CONTROL OVER HOW THE PARTIES EXCHANGE INFORMATION IN THE COURSE OF LITIGATION, NOT CIVIL LIABILITY FOR THE IMPROPER USE OF INFORMATION. THE COURT DOES NOT ADDRESS WHETHER CIVIL CODE 47(B) WOULD BE A DEFENSE TO A CLAIM UNDER WELFARE AND INSTITUTIONS CODE 4518 UNDER THE FACTS PRESENTED.

**Docket Entry:** TR - MOTION FOR PROTECTIVE ORDER - DENIED

03/03/2005

**Document Description:** THIS TENTATIVE RULING IS ISSUED BY JUDGE RONALD M. SABRAW MOTION OF PLAINTIFFS TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES IS GRANTED. TIMING AND RELEVANCY. DEFENDANT HAS FILED A WRIT FROM THIS COURT'S ORDER PERMITTING PLAINTIFFS TO PURSUE A WRIT OF MANDATE SEEKING TO COMPEL THE DDS TO COMPLY WITH THE LANTERMAN ACT. THE COURT OF APPEAL HAS ISSUED A PALMA NOTICE ADVISING THE PARTIES THAT IT IS CONSIDERING ISSUING A PEREMPTORY WRIT OF MANDATE IN THE FIRST INSTANCE AND ALLOWING PLAINTIFFS A FINAL OPPORTUNITY TO SUBMIT ANY OPPOSITION. PALMA V. U.S. INDUSTRIAL FASTENERS, INC. (1984) 36 CAL. 3D 171, 180. DEFENDANT ARGUES THAT THE DISCOVERY SOUGHT IN THIS MOTION WILL BE IRRELEVANT IF THE COURT OF APPEAL REVERSES THIS COURT. THE COURT HOLDS THAT THE DISCOVERY SOUGHT IN THIS MOTION WILL BE RELEVANT (UNDER THE BROAD DEFINITION OF RELEVANCE IN DISCOVERY) TO PLAINTIFFS' REMAINING CLAIMS EVEN IF PLAINTIFFS CANNOT PURSUE A WRIT OF MANDATE TO COMPEL THE DDS TO COMPLY WITH THE LANTERMAN ACT. THEREFORE, THE DISCOVERY WILL GO FORWARD EVEN IF THE COURT OF APPEAL REVERSES THIS COURT. MERITS. THE COURT GROUPS THE INTERROGATORIES AS SUGGESTED BY DEFENDANT. INTERROGATORIES THAT CONCERN FACTS THAT WOULD BE RELEVANT IF DEFENDANT HAS CERTAIN DUTIES. SI# 8, 11-15, 16-18, 78-81. GRANTED. DEFENDANTS DID NOT RESPOND FULLY TO THESE INTERROGATORIES BECAUSE THEY DISPUTE WHETHER THEY HAVE CERTAIN DUTIES. NOW IS NOT THE TIME TO DETERMINE THE SCOPE AND NATURE OF DEFENDANT'S DUTIES. DEFENDANTS MUST PROVIDE FURTHER RESPONSES THAT DESCRIBE WHAT ACTIONS THEY TAKE AND/OR HAVE TAKEN. WHEN THE COURT DETERMINES THE SCOPE AND NATURE OF DEFENDANT'S DUTIES, IT MUST BE ABLE TO APPLY THAT LEGAL STANDARD TO THE FACTS, AND THE FACTS MUST BE DESCRIBED IN THE INTERROGATORY RESPONSES. INTERROGATORIES THAT SEEK INFORMATION ARGUABLY PROTECTED BY THE OFFICIAL INFORMATION PRIVILEGE, EVIDENCE CODE 1040(B)(2). SI# 24-30, 94. GRANTED. THE INFORMATION IN QUESTION

IS THE IDENTITY OF STATE EMPLOYEES WHO PARTICIPATED IN THE DEVELOPMENT OF THE BCP AND A DESCRIPTION OF THE BCP PROCESS. THE COURT HAS CONSIDERED THE FACTORS IDENTIFIED IN EVIDENCE CODE 1040(B)(2) AND WEIGHED (1) THE STATE'S NECESSITY FOR PRESERVING THE CONFIDENTIALITY OF THE INFORMATION WITH (2) THE NECESSITY FOR DISCLOSURE IN THE INTEREST OF JUSTICE. THE COURT HAS ALSO CONSIDERED THE RECENT AMENDMENTS TO THE CALIFORNIA CONSTITUTION, ARTICLE I, SECTION 3, IN PROPOSITION 59, WHICH SUGGESTS THAT THE COURT TO NARROWLY CONSTRUE EVIDENCE CODE 1040(B)(2) BECAUSE IT LIMITS THE RIGHT OF ACCESS TO INFORMATION CONCERNING "THE CONDUCT OF THE PEOPLE'S BUSINESS." THE COURT DOES NOT ADDRESS WHETHER PLAINTIFFS MAY TAKE THE DEPOSITIONS OF THE IDENTIFIED STATE EMPLOYEES OR THE SCOPE OF ANY SUCH DEPOSITIONS. INTERROGATORIES THAT SEEK INFORMATION BASED ON UNDEFINED AND ARGUABLY UNCLEAR TERMS. SI# 91-92, 106-109. GRANTED AS TO 91 AND 92. THE RESPONSES STATE THAT THE REGIONAL RESOURCE DEVELOPMENT PROJECTS (RRDPS) ARE INFORMED WHEN REGIONAL CENTERS IDENTIFY PERSONS FOR MOVEMENT TO THE COMMUNITY. THE PARTIES REACHED AGREEMENT THAT THE DEFENDANT WILL PROVIDE INFORMATION ABOUT HOW IT KEEPS AND TRACKS SUGGESTIONS FOR TRANSFER TO THE COMMUNITY. GRANTED AS TO 106-109. THESE INTERROGATORIES CAN BE REASONABLY CONSTRUED TO SEEK WHETHER DEFENDANT KEEPS ANY DATA ON WHAT HAPPENS IF TERMINALLY ILL OR TERMINALLY INJURED RESIDENTS ARE MOVED OUT OF DEVELOPMENTAL CENTERS. INTERROGATORIES THAT CAN BE ANSWERED WITH REFERENCE TO DOCUMENTS. SI# 58-60, 70, 73, 75. GRANTED. DEFENDANT MAY REFER PLAINTIFFS TO DOCUMENTS UNDER C.C.P. 2030(F)(2), BUT THE REFERENCE MUST BE TO DISCRETE DOCUMENTS THAT ARE IDENTIFIED BY BATES NUMBERS OR OTHERWISE. IF THE DOCUMENTS CAN BE IDENTIFIED BUT PLAINTIFFS ASSERT THAT THEY DO NOT CONTAIN THE INFORMATION SOUGHT, PLAINTIFFS AND DEFENDANTS SHOULD BRING COPIES OF THE RELEVANT DOCUMENTS TO THE HEARING. DEFENDANT

MUST PROVIDE SUPPLEMENTAL RESPONSES  
ON OR BEFORE MARCH 25, 2005.  
PLAINTIFFS' REQUEST FOR SANCTIONS IS  
DENIED. **Docket Entry:** TR - MOTION TO  
COMPEL (MOTION) - GRANTED



04/05/2004

**Document Description:** THIS TENTATIVE RULING IS ISSUED BY JUDGE RONALD M. SABRAW MOTION FOR JOINDER CONTINUED TO 09:00 AM ON 09/07/2004 IN DEPARTMENT 22, CIVIL LAW AND MOTION, ADMINISTRATION BUILDING, 1221 OAK STREET, OAKLAND. **Docket Entry:** TR - MOTION FOR JOINDER - MOTION RESCHEDULED

04/05/2004

**Document Description:** THIS TENTATIVE RULING IS ISSUED BY JUDGE RONALD M. SABRAW THE COURT OF APPEAL HAS ORDERED THAT PROCEEDINGS IN THE TRIAL COURT BE STAYED. THE MOTION FOR CLASS CERTIFICATION IS CONTINUED TO 09:00 AM ON 09/07/2004 IN DEPARTMENT 22, CIVIL LAW AND MOTION, ADMINISTRATION BUILDING, 1221 OAK STREET, OAKLAND. THIS IS A "PLACEHOLDER DATE" FOR CALENDAR PURPOSES. COUNSEL ARE TO NOTIFY THE COURT WHEN THE STAY ISSUED BY THE COURT OF APPEAL IS LIFTED. AT THAT TIME THE COURT WILL RESET THE MOTION FOR CLASS CERTIFICATION. **Docket Entry:** TR - MOTION FOR CLASS CERTIFICATION - MOTION RESCHEDULED

12/08/2003

**Document Description:** THIS TENTATIVE RULING IS ISSUED BY JUDGE RONALD M. SABRAW MOTION OF PLAINTIFFS FOR CLARIFICATION OF ORDER DATED NOVEMBER 6, 2003 (THE "PRIOR ORDER"), GRANTING THE MOTION OF DEFENDANTS FOR SUMMARY ADJUDICATION OF THE FIRST CAUSE OF ACTION (LANTERMAN ACT, WELFARE AND INSTITUTIONS CODE 4500 ET SEQ.) IS GRANTED AND THE PRIOR ORDER IS MODIFIED. PLAINTIFFS' MOTION IS PROCEDURALLY PROPER. PROCEDURALLY, THE COURT RETAINS DISCRETION TO MODIFY ITS ORDERS. KERNS V. CSE INS. GROUP (2003) 106 CAL. APP. 4TH 368, 388 ("TRIAL COURTS HAVE THE INHERENT POWER TO RECONSIDER AND CORRECT THEIR OWN INTERIM DECISIONS IN ORDER TO ACHIEVE SUBSTANTIAL JUSTICE"). THE COURT HAS REVIEWED ITS ORDER DATED NOVEMBER 6, 2003, AND FINDS IT TO BE LESS THAN CLEAR. THEREFORE, CLARIFICATION IS PROPER. MODIFICATION OF THE PRIOR ORDER AT THIS TIME IS APPROPRIATE BECAUSE PLAINTIFFS HAVE STATED THEY INTEND TO SEEK WRIT RELIEF. A MOTION BY A PARTY TO RECONSIDER STAYS THE TIME IN WHICH TO FILE AN APPEAL, C.R.C. 3(D), AND THE ADVISORY COMMITTEE COMMENT TO C.R.C. 3(D) STATES THAT THE PURPOSE OF THE RULE IS "TO ENCOURAGE RECOURSE TO THE TRIAL COURT FOR RELIEF FROM AN APPEALABLE ORDER; IF GRANTED, SUCH RELIEF WOULD OBIVIATE THE NEED FOR AN APPEAL." APPLYING THE SAME LOGIC TO THIS SITUATION, IT IS APPROPRIATE FOR THE COURT TO CLARIFY ITS PRIOR ORDER SO THAT A WRIT CAN BE AVOIDED, OR, IF TAKEN, CAN FOCUS ON A CLEARLY PRESENTED ISSUE. THE COURT OBSERVES THAT THE MOTION TO CLARIFY DOES NOT EXTEND THE TIME IN WHICH TO FILE A WRIT. BENSIMON V. SUPERIOR COURT (TARRANT APPAREL GROUP) (12/4/03), 03 C.D.O.S. 10417. THE COURT'S PRIOR ORDER HELD ONLY THAT PLAINTIFFS COULD NOT OBTAIN A WRIT OF MANDATE TO COMPEL THE DDS TO CONFORM ITS POLICIES AND PRACTICES TO THE LANTERMAN ACT. THE COURT MODIFIES THE PRIOR ORDER REGARDING THE FIRST CAUSE OF ACTION. THE MODIFICATION IS APPROPRIATE BECAUSE THE MOTION FOR SUMMARY ADJUDICATION AND THE SUBSEQUENT ORDER COMMINGLED ISSUES RELATING TO THE CAUSE OF ACTION AND ISSUES RELATED TO THE FORM

OF RELIEF. MCDOWELL V. WATSON (1997) 59 CAL. APP. 4TH 1155, 1159, HOLDS THAT THE GRAVAMEN, OR ESSENTIAL NATURE, OF A CAUSE OF ACTION IS DETERMINED BY THE PRIMARY RIGHT ALLEGED TO HAVE BEEN VIOLATED. THE PRIMARY RIGHT AT ISSUE IN THE FIRST CAUSE OF ACTION IS THAT DEFENDANTS ALLEGEDLY HAVE FAILED TO FUND AND PROVIDE CERTAIN SERVICES THAT ARE REQUIRED BY THE LANTERMAN ACT. MCDOWELL ALSO HOLDS THAT "THE NATURE OF THE RELIEF SOUGHT DOES NOT DETERMINE THE NATURE OF THE CAUSE OF ACTION BECAUSE THE VIOLATION OF ONE PRIMARY RIGHT MAY ENTITLE THE INJURED PARTY TO MANY DIFFERENT FORMS OF RELIEF. ¶ INJUNCTIVE RELIEF IS A REMEDY AND NOT, IN ITSELF, A CAUSE OF ACTION . . ." 59 CAL.APP.4TH AT 1159. THE PRAYER FOR RELIEF IN THE COMPLAINT STATES THAT PLAINTIFFS SEEK TO ENJOIN FUTURE VIOLATIONS OF THE LANTERMAN ACT (PRAYER, PARA 8), A WRIT OF MANDATE TO COMPEL DEFENDANTS TO COMPLY WITH THEIR MINISTERIAL DUTIES UNDER THE LANTERMAN ACT (PRAYER, PARA 12), AND AN INJUNCTION COMPELLING DEFENDANTS TO PROVIDE CERTAIN SERVICES (PRAYER, PARA 13). THE PRIOR ORDER IS MODIFIED TO STATE THAT SUMMARY ADJUDICATION IS GRANTED ON THE FIRST CAUSE OF ACTION ONLY INsofar AS IT SEEKS WRIT RELIEF. PLAINTIFFS' FIRST CAUSE OF ACTION IS NOT DISMISSED AT THIS TIME, AND PLAINTIFFS MAY CONTINUE TO SEEK INJUNCTIVE AND DECLARATORY RELIEF AGAINST ALL DEFENDANTS FOR THEIR ALLEGED VIOLATIONS OF THE LANTERMAN ACT. THE COURT REAFFIRMS THAT PLAINTIFFS HAVE NOT STATED A MERITORIOUS REQUEST FOR A WRIT OF MANDATE TO COMPEL THE DDS TO CONFORM ITS POLICIES AND PRACTICES TO THE LANTERMAN ACT. THE FIRST CAUSE OF ACTION CONCERNS THE OVERALL FUNDING AND OPERATION OF THE DEPARTMENT OF DEVELOPMENTAL SERVICES AND THE REGIONAL CENTERS. THIS CLAIM DOES NOT CONCERN DISCRETE POLICIES OR MINISTERIAL DUTIES AND CANNOT BE PURSUED THROUGH A WRIT OF MANDATE. BY WAY OF DICTA, THE COURT OBSERVES THAT WHERE THE DDS HAS ADOPTED DISCRETE POLICIES, THEN IT MAY BE APPROPRIATE FOR AGGRIEVED PERSONS TO SEEK A WRIT OF MANDATE TO COMPEL THE DDS TO SET ASIDE THOSE POLICIES. CLEMENTE V. AMUNDSON (1998) 60 CAL. APP. 4TH 1094, 1096-1097. SIMILARLY, WHERE DISCRETE INDIVIDUALS HAVE BEEN DENIED DISCRETE SERVICES, THEN IT MAY BE APPROPRIATE FOR THOSE INDIVIDUALS TO SEEK A WRIT OF MANDATE TO COMPEL A SERVICE PROVIDER TO COMPLY WITH A PROVISION OF THE LANTERMAN ACT. MASON V. OFFICE OF ADMIN. HEARINGS (2001) 89 CAL. APP. 4TH 1119 (PROCEEDING BY WRIT OF MANDATE). THIS IS NOT, HOWEVER, SUCH A CASE. ORDINARILY A TRIAL COURT CAN ONLY SUMMARILY ADJUDICATE AN ENTIRE CAUSE OF ACTION. C.C.P. 437C(F)(1). GIVEN THE BREADTH OF THE COMPLAINT AND THE COMPLEX NATURE OF THIS CASE, THE COURT HAS THE ABILITY TO ISOLATE AND ADJUDICATE A FORM OF RELIEF SOUGHT ON A CAUSE OF ACTION. C.R.C. 1800; VOLKSWAGEN OF AMERICA, INC. V. SUPERIOR COURT (2001) 94 CAL.APP.4TH 695, 704-705 (COURTS MANAGING COMPLEX CASES "HAVE THE AUTHORITY TO TAKE WHATEVER EXCEPTIONAL MANAGEMENT ACTIONS ARE NECESSARY TO [AVOID PLACING UNNECESSARY BURDENS ON THE COURT OR THE LITIGANTS AND TO EXPEDITE THE CASE, KEEP COSTS REASONABLE, AND PROMOTE EFFECTIVE DECISION MAKING BY THE COURT, THE PARTIES, AND COUNSEL.]); LILIENTHAL & FOWLER V. SUPERIOR COURT (1993) 12 CAL.APP.4TH 1848 (WHERE CAUSES OF ACTION ARE COMMINGLED IN A COMPLAINT, THE TRIAL COURTS MAY

PARSE THE CLAIMS AS PLEAD INTO SEPARATE CAUSES OF ACTION). THE PRIOR ORDER DOES NOT ADDRESS THE MERITS OF PLAINTIFFS' CAUSE OF ACTION UNDER THE LANTERMAN ACT. DEFENDANTS AND PLAINTIFFS DID NOT ADDRESS THE MERITS OF THE LANTERMAN ACT CLAIM IN THEIR PAPERS. THE PRIOR ORDER DOES NOT ADDRESS WHETHER THE COURT CAN ISSUE AN INJUNCTION TO COMPEL COMPLIANCE WITH THE LANTERMAN ACT. DEFENDANTS RAISED THIS ISSUE IN FOOTNOTES, SO IT WAS NOT SQUARELY PRESENTED TO THE COURT. (D OPENING AT P8 FN 2; D OPPO AT 27-28; D REPLY AT P7, FN 1.) UNILOGIC, INC. V. BURROUGHS CORP. (1992) 10 CAL. APP. 4TH 612, 624 FN 2. THE STATE SUGGESTED THAT IT COULD FILE A NEW MOTION TO ADDRESSES WHETHER PLAINTIFFS MAY OBTAIN INJUNCTIVE RELIEF UNDER THE FIRST CAUSE OF ACTION, AND THE COURT WILL ENTERTAIN SUCH A MOTION. IF THE NEW MOTION IS A MOTION FOR SUMMARY ADJUDICATION, THE PARTIES ARE ENCOURAGED TO MEET AND CONFER REGARDING WHETHER IT IS APPROPRIATE TO SHORTEN THE STATUTORY BRIEFING SCHEDULE. THE COURT NOTES THAT THE ISSUE OF WHETHER PLAINTIFFS MAY OBTAIN INJUNCTIVE RELIEF UNDER THE FIRST CAUSE OF ACTION PRESENTS THE FOLLOWING SUB-ISSUES (AMONG OTHERS): (1) IS A WRIT PROCEEDING UNDER C.C.P. 1085 IS THE EXCLUSIVE MEANS TO COMPEL ACTION BY THE STATE; (2) IS A WRIT PROCEEDING UNDER C.C.P. 1085 IS THE EXCLUSIVE MEANS TO PROHIBIT ACTION BY THE STATE; (3) IS THERE A MEANINGFUL DISTINCTION BETWEEN ORDERS MANDATING OR COMPELLING THE STATE TO TAKE SPECIFIED ACTIONS AND ORDERS PROHIBITING THE STATE FROM TAKING SPECIFIED ACTIONS; (4) DO PLAINTIFFS SEEK INJUNCTIVE RELIEF IN THIS CASE THAT IS MATERIALLY DIFFERENT FROM THE RELIEF THEY SEEK BY WRIT OF MANDATE; AND (5) IF THE COURT CANNOT ORDER SYSTEMWIDE COMPLIANCE WITH THE LANTERMAN ACT AS SOUGHT IN THE COMPLAINT, ARE PLAINTIFFS WITHOUT A REMEDY? THE ORDERS ON THE MOTIONS FOR JOINDER WERE NOT PROPER. SEVERAL REGIONAL CENTERS FILED MOTIONS TO JOIN IN THE MOTION OF THE DDS FOR SUMMARY ADJUDICATION AND THE COURT GRANTED THOSE MOTIONS FOR JOINDER. PLAINTIFFS NOW ARGUE THAT THE ORDERS GRANTING THE MOTIONS FOR JOINDER WERE IMPROPER BECAUSE THEY WERE NOT SUPPORTED BY MEMORANDA OF POINTS AND AUTHORITIES AND SEPARATE STATEMENTS OF UNDISPUTED FACTS. CCP 437C(B); VILLAGE NURSERIES V. GREENBAUM, 101 CAL. APP. 4TH 26, 46-47; FRAZEE V. SEELY (2002) 95 CAL. APP. 4TH 627, 636. PLAINTIFFS ARE CORRECT. THE STATE'S MOTION FOR SUMMARY ADJUDICATION CONCERNED THE LANTERMAN ACT CLAIM AGAINST THE STATE. THE COURT INCORRECTLY CONCLUDED THAT THE LANTERMAN ACT CLAIM AGAINST THE STATE WAS IDENTICAL TO THE LANTERMAN ACT CLAIM AGAINST THE REGIONAL CENTERS. A FURTHER REVIEW OF THE STATUTE DEMONSTRATES THAT THE STATE AND THE REGIONAL CENTERS HAVE DIFFERENT ROLES TO PLAY UNDER THE LANTERMAN ACT. THEREFORE, THE COURT'S PRIOR ORDER REGARDING THE STATE DOES NOT COMPEL THE CONCLUSION THAT PLAINTIFFS CANNOT OBTAIN WRITS OF MANDATE TO REQUIRE THE REGIONAL CENTERS TO COMPLY WITH THE LANTERMAN ACT. THE PRIOR ORDERS GRANTING THE MOTIONS OF THE REGIONAL CENTERS TO JOIN IN THE MOTION OF THE DDS FOR SUMMARY ADJUDICATION ARE VACATED. THE MOTIONS OF THE REGIONAL CENTERS TO JOIN IN THE MOTION OF THE DDS FOR SUMMARY ADJUDICATION ARE DENIED. IF THE REGIONAL CENTERS INTEND TO SEEK SUMMARY ADJUDICATION ON THE FIRST CAUSE

OF ACTION, THEY MUST FILE THEIR OWN MOTIONS FOR SUMMARY ADJUDICATION. PRIOR TO FILING ANY SUCH MOTIONS, THE REGIONAL CENTERS ARE DIRECTED TO MEET AND CONFER WITH PLAINTIFFS TO STRUCTURE THE BRIEFING SO THAT THE REGIONAL CENTERS FILE A COMMON BRIEF THAT ADDRESSES ALL COMMON ISSUES AND (IF NECESSARY) LIMITED SEPARATE BRIEFS THAT ADDRESS THE CONCERNS OF SPECIFIC REGIONAL CENTERS. THE COURT WILL NOT CERTIFY THIS MATTER UNDER C.C.P. 166.1. PLAINTIFFS SUGGEST THAT THE PRIOR ORDER SHOULD BE CERTIFIED FOR APPELLATE REVIEW UNDER C.C.P. 166.1. IN THE COURT'S OPINION, CERTIFICATIONS UNDER C.C.P. 166.1 SHOULD BE RESERVED FOR EXCEPTIONAL SITUATIONS AND UNRESOLVED ISSUES OF LAW. FROM THE COURT'S PERSPECTIVE, THE DECISION THAT PLAINTIFFS CANNOT OBTAIN A WRIT OF MANDATE DIRECTING THE DDS TO CONFORM ITS POLICIES AND PRACTICES TO THE LANTERMAN ACT WAS BASED ON THE APPLICATION OF SETTLED LAW TO THE ALLEGATIONS IN THE COMPLAINT. THE COURT OF APPEAL MAY, OF COURSE, THINK OTHERWISE AND ENTERTAIN ANY WRIT PETITION. FURTHER PROCEEDINGS PLAINTIFFS ARE NOT REQUIRED TO FILE THEIR MOTION FOR CLASS CERTIFICATION BY JANUARY 9, 2004, AS REQUIRED BY THE CASE MANAGEMENT ORDER DATED NOVEMBER 23, 2003. ON A MOTION FOR CLASS CERTIFICATION, THE COURT MUST CONSIDER THE CLAIMS ASSERTED AND DETERMINE FOR EACH CLAIM WHETHER PLAINTIFFS CAN REPRESENT SIMILARLY SITUATED PERSONS. COMMON ISSUES MAY PREDOMINATE FOR SOME CLAIMS AND NOT FOR OTHERS AND PLAINTIFFS MAY BE TYPICAL REPRESENTATIVES FOR SOME CLAIMS BUT NOT FOR OTHERS. FLETCHER V. SECURITY PACIFIC NAT'L BANK (1979) 23 CAL. 3D 442 (ANALYZING CLASS CERTIFICATION SEPARATELY FOR CONTRACT CLAIMS AND UCL CLAIMS). THEREFORE, PLAINTIFFS MAY DEFER THE FILING OF THEIR MOTION FOR CLASS CERTIFICATION UNTIL AFTER IT IS DETERMINED WHAT CLAIMS WILL PROCEED. THE CASE MANAGEMENT CONFERENCE REMAINS SET FOR MARCH 12, 2004, AT 10:00 AM. **Docket Entry:** TR - MOTION RE: CLARIFICATION - GRANTED IN PART

11/06/2003

**Document Description:** THIS TENTATIVE RULING IS ISSUED BY JUDGE RONALD M. SABRAW MOTION OF DDS FOR JUDGMENT ON THE PLEADINGS ON THE SEVENTH CAUSE OF ACTION IS GRANTED. DDS ASSERTS THAT PLAINTIFFS HAVE NO STANDING UNDER 42 USC 1983 TO PURSUE THE SEVENTH CAUSE OF ACTION. THE SEVENTH CAUSE OF ACTION ARISES UNDER 42 USC 1983 AND ALLEGES A VIOLATION OF THE FEDERAL MEDICAID LAWS. IN GONZAGA UNIV. V. DOE (2002) 536 U.S. 273, THE SUPREME COURT RECENTLY RESTATED THE STANDARD FOR WHETHER A CLAIM CAN BE ENFORCED THROUGH 42 USC 1983. THE ULTIMATE DETERMINATION IS WHETHER CONGRESS INTENDED TO CREATE A RIGHT. IN MAKING THAT DETERMINATION, THE COURT USES A THREE-PART TEST FOR GUIDANCE IN DETERMINING WHETHER A STATUTORY PROVISION CONFERS AN ENFORCEABLE FEDERAL RIGHT. FIRST, CONGRESS MUST HAVE INTENDED THAT THE PROVISION BENEFIT THE PLAINTIFF. SECOND, THE RIGHT MUST NOT BE "VAGUE AND AMORPHOUS." THIRD, THE STATUTE MUST UNAMBIGUOUSLY IMPOSE A BINDING OBLIGATION ON THE STATES. GONZAGA EXPANDED ON PREVIOUS LAW BY STRESSING THE DISTINCTION BETWEEN A RIGHT AND A BENEFIT. THE COURT STATED, "SECTION 1983 PROVIDES A REMEDY ONLY FOR THE DEPRIVATION OF "RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION

AND LAWS" OF THE UNITED STATES. ACCORDINGLY, IT IS RIGHTS, NOT THE BROADER OR VAGUER "BENEFITS" OR "INTERESTS," THAT MAY BE ENFORCED UNDER THE AUTHORITY OF THAT SECTION." ID AT 283. GONZAGA REVIEWED SEVERAL FACTORS IN DETERMINING WHETHER CONGRESS INTENDED TO CREATE A RIGHT; (1) THE "TEXT AND STRUCTURE OF A STATUTE;" (2) THE EXISTENCE OF "RIGHTS-CREATING" LANGUAGE; (3) WHETHER THE STATUTE ADDRESSES "INSTITUTIONAL POLICY AND PRACTICE" OR "WHETHER THE NEEDS OF ANY PARTICULAR PERSON HAVE BEEN SATISFIED." THE COURT CONCLUDED, "[I]F CONGRESS WISHES TO CREATE NEW RIGHTS ENFORCEABLE UNDER § 1983, IT MUST DO SO IN CLEAR AND UNAMBIGUOUS TERMS -- NO LESS AND NO MORE THAN WHAT IS REQUIRED FOR CONGRESS TO CREATE NEW RIGHTS ENFORCEABLE UNDER AN IMPLIED PRIVATE RIGHT OF ACTION." ID AT 290-291. DDS ARGUES THAT MEDI-CAL BENEFITS ARE BENEFITS, NOT RIGHTS. IN SABREE V. HOUSTON (E.D. PA. 2003) 245 F.SUPP.2D 653, THE COURT APPLIED GONZAGA AND HELD THAT THE MEDICAID STATUTES REQUIRING THE PROVISION OF MEDICAL ASSISTANCE WITH "REASONABLE PROMPTNESS" DID NOT CONFER INDIVIDUAL FEDERAL RIGHTS THAT COULD BE ENFORCED UNDER 1983. SEE ALSO MAC V. BETIT (D.UTAH, AUGUST 26, 2003) 2003 U.S. DIST. LEXIS 16059, 2003 WL 22119134 (REACHING SAME CONCLUSION REGARDING OTHER MEDICAID PROVISIONS.). PLAINTIFFS ARGUE THAT BEFORE AND AFTER GONZAGA THE FEDERAL COURTS HAVE HELD THAT MEDICAID BENEFICIARIES COULD STATE CLAIMS UNDER SECTION 1983. IN BRYSON V. SHUMWAY (1ST CIR 2002) 308 F.3D 79, THE COURT HELD THAT THERE IS A SECTION 1983 CAUSE OF ACTION ARISING FROM THE "REASONABLE PROMPTNESS" PROVISION OF 42 USC 1396A(A)(8). IN RABIN V. WILSON-COKER (D.CONN 2003) 266 F. SUPP. 2D 332, 341-342, THE COURT REACHED A SIMILAR CONCLUSION, AND NOTED THAT IN 1996 "CONGRESS CONSIDERED A PROPOSAL THAT WOULD HAVE STRIPPED MEDICAID BENEFICIARIES OF A RIGHT TO SUE IN FEDERAL COURT UNDER SECTION 1983 BUT THE LAW AS ENACTED CONTAINS NO SUCH STRIPPING PROVISION. THIS INDICATES THAT CONGRESS CHOSE NOT TO DISTURB THE RIGHT TO SUE THAT BENEFICIARIES WERE UNDERSTOOD TO HAVE UNDER PRIOR LAW." OTHER THAN THE ABOVE, THERE ARE PRESENTLY FEW FEDERAL GUIDEPOSTS REGARDING HOW GONZAGA APPLIES TO MEDICAID CLAIMS. THERE ARE NO CALIFORNIA GUIDEPOSTS. THEREFORE, THE COURT IS GUIDED PRIMARILY BY THE LANGUAGE OF GONZAGA ITSELF. THE COURT FINDS THAT MAC V. BETIT, SUPRA, HAS A PERSUASIVE APPLICATION OF GONZAGA TO THE MEDICAID PROVISIONS. THE COURT HOLDS THAT MEDI-CAL BENEFITS ARE BENEFITS, NOT RIGHTS, AND THAT PLAINTIFFS CANNOT PURSUE THEIR CLAIMS UNDER 42 USC 1983. FIRST, THE GONZAGA COURT STATED THAT FOR A STATUTE TO CONFER A PRIVATE RIGHT OF ACTION, THE STATUTORY LANGUAGE MUST BE " 'PHRASED IN TERMS OF THE PERSONS BENEFITED.' " ID. AT 284. THE AUTHORIZING PROVISION OF THE MEDICAID ACT DOES NOT CONTAIN RIGHTS- CREATING LANGUAGE. SPECIFICALLY, THE PROVISION PROVIDES: "FOR THE PURPOSE OF ENABLING EACH STATE, AS FAR AS PRACTICABLE UNDER THE CONDITIONS OF EACH STATE, TO FURNISH (1) MEDICAL ASSISTANCE ON BEHALF OF FAMILIES WITH DEPENDENT CHILDREN AND OF AGED, BLIND OR DISABLED INDIVIDUALS, WHOSE INCOME AND RESOURCES ARE INSUFFICIENT TO MEET THE COSTS OF NECESSARY MEDICAL SERVICES, AND (2) REHABILITATION AND OTHER SERVICES TO HELP SUCH FAMILIES

AND INDIVIDUALS ATTAIN OR RETAIN CAPABILITY FOR INDEPENDENCE OR SELF-CARE, THERE IS HEREBY AUTHORIZED TO BE APPROPRIATED FOR EACH FISCAL YEAR A SUM SUFFICIENT TO CARRY OUT THE PURPOSES OF THIS SUBCHAPTER. THE SUMS MADE AVAILABLE UNDER THIS SECTION SHALL BE USED FOR MAKING PAYMENTS TO STATES WHICH HAVE SUBMITTED, AND HAD APPROVED BY THE SECRETARY, STATE PLANS FOR MEDICAL ASSISTANCE." 42 USC 1396. THIS STATUTE MERELY ENABLES STATES TO ADMINISTER THE MEDICAID PROGRAM FOR THE INTENDED BENEFICIARIES AND AUTHORIZES PAYMENT TO STATES PARTICIPATING IN THE MEDICAID PROGRAM; IT DOES NOT CREATE AN UNMISTAKABLE ENFORCEABLE RIGHT IN THOSE BENEFICIARIES. ADDITIONALLY, THE COURT HAS REVIEWED THE FOLLOWING MEDICAID ACT PROVISIONS EXPRESSLY CITED IN PLAINTIFFS' COMPLAINT: 42 USC 1396A(A)(8) - MEDICAL ASSISTANCE MUST BE FURNISHED WITH REASONABLE PROMPTNESS. 42 USC 1396A(A)(10)(B) - MEDICAL ASSISTANCE TO BE EQUALLY AVAILABLE TO ALL ELIGIBLE INDIVIDUALS. 42 USC 1396A(A)(30)(A) - METHODS AND PROCEDURES SHOULD BE SUFFICIENT TO ENLIST PROVIDERS SO THAT CARE IS AVAILABLE TO THE EXTENT SUCH CARE AND SERVICES ARE AVAILABLE IN THE GEOGRAPHIC AREA. 42 USC 1396N(C)(2)(C) - IF STATES OFFER HOME AND COMMUNITY BASED SERVICES TO THE MENTALLY RETARDED UNDER A WAIVER OF THE STATUTORY REQUIREMENTS, THE STATES MUST INFORM INDIVIDUALS OF THE FEASIBLE ALTERNATIVES TO HOSPITAL, NURSING HOME, AND OTHER CARE. 42 USC 1396N(D)(2)(C) - IF STATES OFFER HOME AND COMMUNITY BASED SERVICES UNDER A WAIVER OF THE STATUTORY REQUIREMENTS, THE STATES MUST INFORM INDIVIDUALS OF THE FEASIBLE ALTERNATIVES TO HOSPITAL, NURSING HOME, AND OTHER CARE. NONE OF THESE STATUTES CONTAINS THE RIGHTS-CREATING LANGUAGE SPECIFIED IN GONZAGA. THE STATUTES ADDRESS "INSTITUTIONAL POLICY AND PRACTICE" NOT "WHETHER THE NEEDS OF ANY PARTICULAR PERSON HAVE BEEN SATISFIED." SECOND, THE MEDICAID ACT SPECIFICALLY PROVIDES THAT IF THE SECRETARY FINDS THAT A STATE AGENCY FAILS TO "COMPLY SUBSTANTIALLY" WITH THE PROVISIONS IN THE ACT IN ADMINISTERING THE STATE PLAN, THE SECRETARY IS TO NOTIFY THE STATE AGENCY THAT IT WILL NO LONGER RECEIVE MEDICAID FUNDS UNTIL THE SECRETARY IS CONVINCED THAT THE STATE AGENCY IS COMPLYING WITH THE PROVISIONS IN THE ACT. 42 USC 1396C. THUS, THE STATUTE MERELY DESCRIBES WHAT STATES MUST DO TO ENSURE CONTINUED FUNDING AND AUTHORIZES THE SECRETARY TO WITHHOLD OR LIMIT MEDICAID PAYMENTS TO A STATE IN VIOLATION OF ANY PROVISIONS WITHIN THAT SUBSECTION. IT DOES NOT, HOWEVER, GIVE RISE TO A PRIVATE RIGHT OF ACTION FOR INDIVIDUAL BENEFICIARIES OF THE MEDICAID ACT. THE SEVENTH CAUSE OF ACTION IS DISMISSED.

**Docket Entry:** TR - MOTION FOR JUDGMENT ON THE PLEADINGS GRANTED IN PART W/O LEAVE TO AMEND

11/06/2003

**Document Description:** THIS TENTATIVE RULING IS ISSUED BY JUDGE RONALD M. SABRAW MOTION OF DDS FOR SUMMARY ADJUDICATION OF LANTERMAN ACT CAUSE OF ACTION (FIRST CAUSE OF ACTION) IS GRANTED. THE FIRST CAUSE OF ACTION SEEKS A WRIT UNDER CCP 1085. HUTCHINSON V. CITY OF SACRAMENTO (1993) 17 CAL. APP. 4TH 791, 796, SETS OUT THE GENERAL LAW ON WHEN THE COURT MAY AND MAY NOT ISSUE A WRIT. "A WRIT OF MANDATE WILL LIE TO 'COMPEL THE

PERFORMANCE OF AN ACT WHICH THE LAW SPECIFICALLY ENJOINS, AS A DUTY RESULTING FROM AN OFFICE, TRUST, OR STATION' IN CASES 'WHERE THERE IS NOT A PLAIN, SPEEDY, AND ADEQUATE REMEDY, IN THE ORDINARY COURSE OF LAW.' [A] WRIT WILL NOT LIE TO CONTROL DISCRETION CONFERRED UPON A PUBLIC OFFICER OR AGENCY. TWO BASIC REQUIREMENTS ARE ESSENTIAL TO THE ISSUANCE OF THE WRIT: (1) A CLEAR, PRESENT AND USUALLY MINISTERIAL DUTY UPON THE PART OF THE RESPONDENT AND (2) A CLEAR, PRESENT AND BENEFICIAL RIGHT IN THE PETITIONER TO THE PERFORMANCE OF THAT DUTY. A MANDATE WILL NOT ISSUE TO COMPEL ACTION UNLESS IT IS SHOWN "THE DUTY TO DO THE THING ASKED FOR IS PLAIN AND UNMIXED WITH DISCRETIONARY POWER OR THE EXERCISE OF JUDGMENT." THE COURT HAS REVIEWED THE FIRST CAUSE OF ACTION SEEKING A WRIT TO COMPEL DEFENDANTS TO CARRY OUT THEIR OBLIGATIONS UNDER THE LANTERMAN ACT. THE COURT FINDS THAT THE STATUTES AND REGULATIONS DO NOT DEFINE WITH ANY SPECIFICITY THE DUTIES THAT DEFENDANTS ARE TO PERFORM. THE GENERAL NATURE OF THE LEGISLATIVE DIRECTION PRECLUDES WRIT RELIEF. WOMEN ORGANIZED FOR EMPLOYMENT V. STEIN (1980) 114 CAL. APP. 3D 133, 139-140. IN ADDITION, TO THE EXTENT THAT THE STATUTES AND REGULATIONS COULD BE CONSTRUED TO PROVIDE DIRECTION TO DEFENDANTS, THE DIRECTION REQUIRES DEFENDANTS TO EXERCISE THEIR DISCRETION. AGAIN, THIS PRECLUDES WRIT RELIEF. SKLAR V. FRANCHISE TAX BOARD (1986) 185 CAL. APP. 3D 616, 626. PLAINTIFFS ARGUE THAT A GRANT OF THIS MOTION AND THE DENIAL OF WRIT RELIEF WOULD BE CONTRARY TO ASSOCIATION FOR RETARDED CITIZENS (ARC) V. DEPARTMENT OF DEVELOPMENTAL SERVICES (1985) 38 CAL. 3D 384, WHERE THE CALIFORNIA SUPREME COURT HELD THAT IN A BUDGET CRISIS THE DIRECTOR OF THE DDS COULD NOT ORDER THAT FUNDS BE SPENT ON PRIORITY SERVICES TO THE EXCLUSION OF OTHER SERVICES AND INSTEAD HAD TO FUND ALL THE SERVICES REQUIRED BY THE LANTERMAN ACT UNTIL THE MONEY RAN OUT. PLAINTIFFS ARGUE THAT ARC SUPPORTS THE PROPOSITION THAT THE LANTERMAN ACT REQUIRES DISCRETE ACTS THAT CAN BE ENFORCED BY THE COURTS. THE COURT FINDS ARC DISTINGUISHABLE ON TWO GROUNDS. FIRST, IT AROSE IN THE CONTEXT OF A PRELIMINARY INJUNCTION, NOT A WRIT, SO IT DID NOT ADDRESS THE LIMITATIONS OF WRIT RELIEF PRESENTED IN THIS CASE. SECOND, THE COURT WAS ENJOINING THE IMPLEMENTATION OF SPENDING DIRECTIVES FROM THE DDS TO THE REGIONAL CENTERS, NOT MANDATING THE DDS AND THE REGIONAL CENTERS TO PROVIDE CERTAIN SERVICES. IN ADDITION, ARC AFFIRMS THAT ALTHOUGH THE REGIONAL CENTERS HAVE NO DISCRETION AT ALL IN DETERMINING WHETHER TO IMPLEMENT AN IPP, THEY HAVE "WIDE DISCRETION" IN DETERMINING HOW TO IMPLEMENT IT. SEE 62 OP. ATTY GEN. CAL. 229, 630 ("THE LEGISLATURE HAS INDICATED THAT THE REGIONAL CENTERS ARE TO HAVE WIDE DISCRETION IN DETERMINING THE MANNER IN WHICH THEY PROVIDE THEIR SERVICES" AND "APPROVAL BY THE DEPARTMENT [OF PURCHASES BY THE REGIONAL CENTERS] WOULD BE CONTRARY TO THE LEGISLATIVE INTENT EXPRESSED IN SECTION 4648 SUBDIVISION (B) THAT THE REGIONAL CENTERS DETERMINE WHAT SERVICES TO PURCHASE TO BEST ACCOMPLISH A CLIENT'S PROGRAM PLAN.") THE COURT HOLDS ONLY THAT PLAINTIFFS MAY NOT MANDATE ENFORCEMENT OF THE LANTERMAN ACT THROUGH A WRIT PROCEEDING UNDER CCP 1085. THE COURT DOES NOT ADDRESS WHETHER DEFENDANTS ARE IN COMPLIANCE

WITH THE LANTERMAN ACT OR WHETHER IT CAN BE ENFORCED THROUGH OTHER MEANS. THE FIRST CAUSE OF ACTION IS DISMISSED.

**Docket Entry:** TR - MOTION FOR SUMMARY ADJUDICATION - GRANTED

11/06/2003

**Document Description:** THIS TENTATIVE RULING IS ISSUED BY JUDGE RONALD M. SABRAW THE MOTION OF REGIONAL CENTER OF ORANGE COUNTY TO JOIN IN MOTION FOR SUMMARY ADJUDICATION IS GRANTED. THE UNDERLYING MOTION WAS GRANTED. **Docket Entry:** TR - MOTION FOR JOINDER - GRANTED

03/28/2003

**Document Description:** THIS TENTATIVE RULING IS ISSUED BY JUDGE RONALD M. SABRAW MOTION OF PLAINTIFF TO COMPEL PRODUCTION OF DOCUMENTS WAS INITIALLY HEARD ON OCTOBER 24, 2002, AND THE MOTION WAS THEN REFERRED TO DISCOVERY REFEREE KATHERINE GALLO. MS. GALLO HAS SUBMITTED HER RECOMMENDATION TO THE COURT AND DEFENDANTS HAVE OBJECTED TO THE RECOMMENDATION. THE COURT HAS READ (1) THE RECOMMENDATION OF MS. GALLO, AND (2) THE BRIEFING AND EVIDENCE SUBMITTED BY THE PARTIES IN SUPPORT OF AND OPPOSING THE RECOMMENDATION. THE COURT HAS REVIEWED THE DOCUMENTS SUBMITTED TO MS. GALLO. AS REQUIRED BY ROCKWELL INTERNAT. CORP. V. SUPERIOR COURT (1994) 26 CAL. APP. 4TH 1255, 1269-1270, THE COURT HAS INDEPENDENTLY CONSIDERED THE REFEREE'S FINDINGS AND THE OBJECTIONS SUBMITTED BY THE PARTIES BEFORE ACCEPTING OR REJECTING THE REFEREE'S RECOMMENDATIONS. THE COURT HAS CONSIDERED THE FACTORS IDENTIFIED IN EVIDENCE CODE 1040(B)(2) AND WEIGHED (1) THE STATE'S NECESSITY FOR PRESERVING THE CONFIDENTIALITY OF THE INFORMATION WITH (2) THE NECESSITY FOR DISCLOSURE IN THE INTEREST OF JUSTICE. THE STATE HAS ARGUED THAT THE EXECUTIVE BRANCH, INCLUDING ITS AGENCIES AND DEPARTMENTS, MUST BE ABLE TO DISCUSS PRIORITIES AND BUDGET PROPOSALS CANDIDLY WITHOUT PUBLIC SCRUTINY. THE STATE NOTES THAT THERE IS EXTENSIVE LOBBYING AND DISCLOSURES IN THE LEGISLATIVE PROCESS. THE STATE ALSO ASSERTS THAT THIS CASE CONCERNS HOW THE DDS ACTUALLY USES ITS ALLOCATED MONEY, NOT WHAT THE DDS MIGHT HAVE DONE WITH MORE MONEY IF IT HAD BEEN ALLOCATED. PLAINTIFFS ARGUE THAT THE INFORMATION SOUGHT IS RELEVANT TO THEIR CLAIMS BECAUSE THE DDS'S BUDGET DOCUMENTS DEMONSTRATE WHAT THE PROFESSIONALS IN THE RELEVANT STATE AGENCY THOUGHT THEY NEEDED AND HOW THEY PROPOSED TO USE THOSE RESOURCES. PLAINTIFFS ARGUE THAT THEY HAVE NO OTHER WAY TO GET THIS INFORMATION. THE COURT HAS CONSIDERED THAT PLAINTIFFS MUST SHOW HEIGHTENED RELEVANCE TO OVERCOME THE CLAIM OF PRIVILEGE, NOT JUST REGULAR C.C.P. 2017(A) RELEVANCE. THE COURT HAS CONSIDERED THAT THE STATE'S EXECUTIVE BRANCH MUST BE ABLE TO HAVE CANDID INTERNAL DISCUSSIONS, AND HAS NOT ORDERED THE STATE TO PRODUCE CORRESPONDENCE, E-MAILS, AND SIMILAR DOCUMENTS. THE COURT HAS ORDERED THAT FORMAL PROPOSALS AND RESPONSES BE PRODUCED BECAUSE THEY CONSTITUTE THE CONSIDERED AND MORE FORMAL POSITIONS OF THE RELEVANT AGENCIES AND DEPARTMENTS. THE COURT FINDS THAT PLAINTIFFS HAVE NO OTHER WAY TO GET THIS INFORMATION. THE COURT ADOPTS RECOMMENDATION # 3 OF DISCOVERY REFEREE KATHERINE GALLO, WITH THE FOLLOWING EXCEPTIONS: (1) PAGE 35:23-25 IS CHANGED TO STATE THAT PLAINTIFFS



MUST SERVE A LIST OF ALL DOCUMENTS THEY CLAIM ARE NOT IN COMPLIANCE WITH C.C.P. 2031(G) WITHIN 14 DAYS OF RECEIPT OF THE DOCUMENT FROM THE STATE, AND (2) PAGE 36:1-5 IS CHANGED TO STATE THAT THE STATE MUST PRODUCE THE APPROPRIATE DOCUMENTS AND AN AMENDED PRIVILEGE LOG IN COMPLIANCE WITH C.C.P. 2031(G) 14 DAYS OF SERVICE OF THIS ORDER. THEREFORE, THE UNDERLYING MOTION OF PLAINTIFFS IS GRANTED IN PART AND DENIED IN PART. DEFENDANT IS DIRECTED TO CONTACT THE CLERK OF DEPARTMENT 22 AT (510) 272-6157 TO ARRANGE A PICK UP DATE FOR THE DOCUMENTS THAT WERE SUBMITTED TO THE DISCOVERY REFEREE KATHERINE GALLO AND IN TURN, GIVEN TO THE COURT. **Docket Entry:** TR - MOTION TO COMPEL OF PRODUCTION OF DOCUMENTS - GRANTED IN PART

03/28/2003

**Document Description:** THIS TENTATIVE RULING IS ISSUED BY JUDGE RONALD M. SABRAW THE MOTION OF DEFENDANT TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORY 47 IS DROPPED BY THE MOVING PARTY. **Docket Entry:** TR - MOTION TO COMPEL FURTHER RESPONSES - DROPPED

02/07/2003

**Docket Entry:** HEARING RESET TO CASE MANAGEMENT CONF CONTINUANCE 04/07/2003 10:00 AM D- 22

02/05/2003

**Docket Entry:** NOTICE OF HEARING (S) FILED

02/05/2003

**Docket Entry:** HEARING RESET TO MOTION TO COMPEL OF PRODUCTION OF DOCUMENTS 03/26/2003 11:00 AM D- 22

02/03/2003

**Docket Entry:** REFUND OF FILING FEE ENTERED PER MB FOR RECEIPT # 26970 FILED

01/28/2003

**Docket Entry:** MOTION GRANTED

01/23/2003

**Docket Entry:** MOTION TAKEN UNDER SUBMISSION

01/23/2003

**Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND COMPLETED

01/17/2003

**Docket Entry:** APPENDIX OF NON-CALIFORNIA CASES AS CITED IN MEMORANDUM IN SUPPORT FILED

01/17/2003

**Docket Entry:** MEMORANDUM OF POINTS AND AUTHORITIES IN REPLY FILED

01/10/2003

**Docket Entry:** HEARING RESET TO MOTION TO COMPEL OF PRODUCTION OF DOCUMENTS 02/04/2003 01:30 PM D- 22

01/10/2003

**Docket Entry:** HEARING RESET TO CASE MANAGEMENT CONF CONTINUANCE 03/07/2003 11:00 AM D- 22

01/09/2003

**Docket Entry:** DECLARATION IN OPPOSITION OF WILLIAM M. JEFFERSON TO MOTION FILED BY TRI-COUNTIES ASSOCIATION FOR T

01/08/2003

**Docket Entry:** DECLARATION IN OPPOSITION FILED BY VALLEY MOUNTAIN

REGIONAL CENTER INC. (VMRC), COASTAL DEVELOPMENT

01/08/2003      **Docket Entry:** MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION FILED

01/07/2003      **Docket Entry:** PROPOSED ORDER RECEIVED

01/07/2003      **Docket Entry:** PROOF OF SERVICE ON MOTION

01/07/2003      **Docket Entry:** APPENDIX OF NON-CALIFORNIA AUTHORITIES FILED

01/07/2003      **Docket Entry:** OBJECTIONS TO EVIDENCE FILED FOR CAPITOL PEOPLE FIRST

01/07/2003      **Docket Entry:** DECLARATION OF ERIC R. GELBER FILED BY CAPITOL PEOPLE FIRST

01/07/2003      **Docket Entry:** OPPOSITION MOTION TO INTERVENE FILED

01/06/2003      **Docket Entry:** ORDER RECOMMENDATION # 1 AND ORDER FILED

12/26/2002      **Docket Entry:** APPLICATION RE: OTHER EXPARTE FILED

12/26/2002      **Docket Entry:** APPLICATION RE: OTHER EXPARTE GRANTED

12/20/2002      **Docket Entry:** ORDER RECOMMENDATION # 2 AND ORDER FILED

12/05/2002      **Docket Entry:** NOTICE OF CONTINUANCE OF MOTION TO INTERVENE FILED

12/03/2002      **Docket Entry:** AMENDED ORDER AMENDED PROTECTIVE ORDER FILED

12/02/2002      **Docket Entry:** HEARING RESET TO MOTION 01/23/2003 03:00 PM D- 22

11/21/2002      **Docket Entry:** ORDER CONTINUANCE FILED

11/20/2002      **Docket Entry:** PROOF OF SERVICE FILED

11/20/2002      **Docket Entry:** PROPOSED ORDER RECEIVED

11/20/2002      **Docket Entry:** MOTION HEARING CONFIRMED FOR 12/12/2002 10:00 AM D- 22

11/20/2002      **Docket Entry:** MOTION FILED BY CASH/PCR, CAR

11/19/2002      **Docket Entry:** NOTICE OF ENTRY OF ORDER FILED

11/19/2002      **Docket Entry:** HEARING RESET TO MOTION TO COMPEL OF PRODUCTION OF DOCUMENTS 01/10/2003 11:00 AM D- 22

11/19/2002      **Docket Entry:** HEARING RESET TO CASE MANAGEMENT CONF CONTINUANCE 01/10/2003 11:00 AM D- 22

11/15/2002      **Docket Entry:** NOTICE OF ASSOCIATION OF COUNSEL FILED

11/07/2002 **Docket Entry:** SUBSTITUTION OF ATTORNEY FILED FOR CAPITOL PEOPLE FIRST, ADOLPH ANGULO, HARRY ASPREY, EDSON CRUZ, DA

11/07/2002 **Docket Entry:** HEARING CONTINUED TO CIVIL LAW AND MOTION DEPT: 22 DATE: 12/19/2002 TIME: 11:00 AM

11/07/2002 **Docket Entry:** MOTION TO COMPEL OF PRODUCTION OF DOCUMENTS - MOTION RESCHEDULED

11/06/2002 **Docket Entry:** ORDER RE CASE MANAGEMENT FILED

11/01/2002 **Docket Entry:** PROPOSED ORDER RECEIVED

10/24/2002 **Docket Entry:** HEARING CONTINUED TO CASE MANAGEMENT CONF CONTINUANCE DEPT: 22 DATE: 12/19/2002 TIME: 11:00 AM

10/24/2002 **Docket Entry:** CASE MANAGEMENT CONFERENCE COMMENCED AND CONTINUED

10/24/2002 **Docket Entry:** MOTION TO COMPEL OF PRODUCTION OF DOCUMENTS TAKEN UNDER SUBMISSION

10/24/2002 **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND COMPLETED

10/21/2002 **Docket Entry:** CASE MANAGEMENT STATEMENT OF CAPITOL PEOPLE FIRST FILED

10/21/2002 **Docket Entry:** CASE MANAGEMENT STATEMENT OF COASTAL DEVELOPMENTAL SERVICES FOUNDATION FILED

10/21/2002 **Docket Entry:** CASE MANAGEMENT STATEMENT OF DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS), CLIFF ALLENBY, STATE OF CAL

10/18/2002 **Docket Entry:** PROOF OF SERVICE FILED

10/18/2002 **Docket Entry:** OBJECTION FILED

10/18/2002 **Docket Entry:** REPLY MEMORANDUM OF POINTS AND AUTHORITIES FILED

10/18/2002 **Docket Entry:** DECLARATION IN SUPPORT OF MICHAEL T. PYLE FILED

10/11/2002 **Docket Entry:** DECLARATION IN OPPOSITION OF ROBERT SCHLADALE FILED BY DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS)

10/11/2002 **Docket Entry:** OPPOSITION TO MOTION TO COMPEL FILED

10/06/2002 **Docket Entry:** ORDER RE CASE MANAGEMENT FILED

09/19/2002 **Docket Entry:** MOTION TO COMPEL OF PRODUCTION OF DOCUMENTS HEARING CONFIRMED FOR 10/24/2002 03:00 PM D- 22

09/19/2002 **Docket Entry:** MOTION TO COMPEL OF PRODUCTION OF DOCUMENTS

FILED BY CAPITOL PEOPLE FIRST

09/16/2002                   **Docket Entry:** BRIEF FILED

09/16/2002                   **Docket Entry:** MOTION FOR JOINDER 09/05/2002 02:00 PM D- 22

09/16/2002                   **Docket Entry:** MOTION FOR JOINDER FILED FOR RESPONDENT

09/11/2002                   **Docket Entry:** NOTICE OF ENTRY OF ORDER FILED

09/05/2002                   **Docket Entry:** HEARING RESET TO CASE MANAGEMENT CONF  
CONTINUANCE 10/24/2002 03:00 PM D- 22

09/05/2002                   **Docket Entry:** CASE MANAGEMENT CONFERENCE COMMENCED AND  
COMPLETED

09/05/2002                   **Docket Entry:** MOTION FOR PROTECTIVE ORDER GRANTED

09/05/2002                   **Docket Entry:** MOTION FOR JOINDER GRANTED

09/05/2002                   **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND  
COMPLETED

09/05/2002                   **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND  
COMPLETED

08/30/2002                   **Docket Entry:** DECLARATION FILED BY KERN REGIONAL CENTER,  
TRI-COUNTRIES REGIONAL CENTER, REDWOOD COAST REGIONAL CE

08/30/2002                   **Docket Entry:** REPLY BRIEF IN SUPPORT OF NOTICE AND CONSENT RE:  
PRODUCTION OF DOCUMENTS FILED

08/30/2002                   **Docket Entry:** BRIEF SUPPLEMENTAL IN OPPOSITION FILED

08/30/2002                   **Docket Entry:** DECLARATION IN OPPOSITION IN SUPPORT OF ELLEN S.  
GOLDBLATT FILED BY CAPITOL PEOPLE FIRST

08/21/2002                   **Docket Entry:** HEARING RESET TO CASE MANAGEMENT CONF  
CONTINUANCE 09/05/2002 02:00 PM D- 22

08/21/2002                   **Docket Entry:** CASE MANAGEMENT CONFERENCE COMMENCED AND  
COMPLETED

08/13/2002                   **Docket Entry:** NOTICE OF ENTRY OF ORDER FILED

08/13/2002                   **Docket Entry:** RE-NOTICE OF MOTION FILED

08/07/2002                   **Docket Entry:** HEARING RESET TO MOTION FOR PROTECTIVE ORDER  
09/05/2002 02:00 PM D- 22

08/06/2002                   **Docket Entry:** NOTICE OF ENTRY OF DISMISSAL AND PROOF OF SERVICE  
FILED

08/01/2002 **Docket Entry:** CASE MANAGEMENT CONFERENCE 08/21/2002 04:15 PM D-22

07/31/2002 **Docket Entry:** NOTICE OF FILED

07/29/2002 **Docket Entry:** HEARING RESET TO MOTION FOR PROTECTIVE ORDER 08/21/2002 04:15 PM D- 22

07/29/2002 **Docket Entry:** DISMISSAL AS TO PETITIONER: JOELLEN VENTURA ENTERED

07/29/2002 **Docket Entry:** REQUEST RE: DISMISSAL W/O PREJUDICE - PARTIAL AS TO: PARTY JOELLEN VENTURA FILED

07/25/2002 **Docket Entry:** HEARING CONTINUED TO CIVIL LAW AND MOTION DEPT: 22 DATE: 08/21/2002 TIME: 10:00 AM

07/25/2002 **Docket Entry:** MOTION FOR PROTECTIVE ORDER - MOTION RESCHEDULED

07/25/2002 **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND CONTINUED

07/22/2002 **Docket Entry:** NOTICE OF CHANGE OF FIRM NAME FILED

07/22/2002 **Docket Entry:** REPLY BRIEF IN SUPPORT OF MOTION LANTERMAN ACT RECORDS FILED

07/22/2002 **Docket Entry:** DECLARATION IN SUPPORT SUPPLEMENTAL RE: BETTE EPSTEIN FILED

07/16/2002 **Docket Entry:** PROOF OF SERVICE FILED

07/16/2002 **Docket Entry:** PROPOSED ORDER RECEIVED

07/15/2002 **Docket Entry:** NOTICE OF INTENT OF EIGHT REGIONAL CENTERS TO APPEAR BY TELEPHONE FILED

07/15/2002 **Docket Entry:** DECLARATION IN OPPOSITION OF ELLEN S. GOLDBLATT FILED BY CAPITOL PEOPLE FIRST

07/15/2002 **Docket Entry:** OPPOSITION FILED

07/10/2002 **Docket Entry:** ANSWER TO COMPLAINT FILED FOR STATE OF CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY (CHHS), DIANE BON

07/05/2002 **Docket Entry:** NOTICE OF CHANGE OF FIRM NAME FILED

07/01/2002 **Docket Entry:** MISCELLANEOUS NON-CALIFORNIA AUTHORITIES RE: MOTION FOR PROTECTIVE ORDER FILED

07/01/2002 **Docket Entry:** MOTION FOR PROTECTIVE ORDER HEARING CONFIRMED FOR 07/25/2002 04:00 PM D- 22

07/01/2002 **Docket Entry:** MOTION FOR PROTECTIVE ORDER FILED BY NORTH BAY

REGIONAL CENTER, SAN ANDREAS REGIONAL CENTER (SARC)

07/01/2002                    **Docket Entry:** MISCELLANEOUS NON-CALIFORNIA AUTHORITIES RE: MOTION FOR PROTECTIVE ORDER FILED

06/25/2002                    **Docket Entry:** DEMURRER TO COMPLAINT - OVERRULED

06/20/2002                    **Docket Entry:** ORDER RE CASE MANAGEMENT FILED

06/20/2002                    **Docket Entry:** NOTICE OF FIRST APPEARANCE FEES FILED

06/14/2002                    **Docket Entry:** ORDER JOINING THE STATE OF CALIF. DEPT. OF MENTAL HEALTH AS AN INDISPENSABLE PARTY FILED

06/14/2002                    **Docket Entry:** MISCELLANEOUS REQUEST FOR COURT TO TAKE JUDICIAL NOTICE OF GOVERNOR DAVIS' REVISION OF BUDGET FILED

06/13/2002                    **Docket Entry:** PROOF OF SERVICE FILED

06/13/2002                    **Docket Entry:** MOTION TO STAY PROCEEDINGS 06/13/2002 10:00 AM D-22

06/13/2002                    **Docket Entry:** MOTION TO STAY PROCEEDINGS FILED FOR RESPONDENT

06/13/2002                    **Docket Entry:** MOTION FOR JOINDER GRANTED

06/13/2002                    **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND COMPLETED

06/13/2002                    **Docket Entry:** MOTION TO STAY PROCEEDINGS DENIED

06/13/2002                    **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND COMPLETED

06/13/2002                    **Docket Entry:** MOTION TO STAY PROCEEDINGS DENIED

06/13/2002                    **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND COMPLETED

06/13/2002                    **Docket Entry:** MOTION TO STAY PROCEEDINGS DENIED

06/13/2002                    **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND COMPLETED

06/13/2002                    **Docket Entry:** MOTION TO STAY PROCEEDINGS DENIED

06/13/2002                    **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND COMPLETED

06/13/2002                    **Docket Entry:** MOTION TO STAY PROCEEDINGS DENIED

06/13/2002                    **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND COMPLETED

06/13/2002                    **Docket Entry:** MOTION TO BIFURCATE PRE-CERTIFICATION DENIED

06/13/2002                    **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND COMPLETED

06/13/2002                    **Docket Entry:** DEMURRER TO COMPLAINT TAKEN UNDER SUBMISSION

06/13/2002                    **Docket Entry:** CIVIL LAW AND MOTION HEARING COMMENCED AND COMPLETED

06/11/2002                    **Docket Entry:** DECLARATION JAMES L. SHORTER IN SUPPORT OF MOTION FOR STAY FILED BY VALLEY MOUNTAIN REGIONAL CENTER

06/11/2002                    **Docket Entry:** DECLARATION THOMAS K. GILHOOL FILED BY VALLEY MOUNTAIN REGIONAL CENTER INC. (VMRC), KERN REGIONAL CE

06/11/2002                    **Docket Entry:** MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION FILED

06/11/2002                    **Docket Entry:** MISCELLANEOUS REQUEST FOR COURT TO TAKE JUDICIAL NOTICE OF ORDER IN FEDERAL DISTRICT COURT FILED

06/10/2002                    **Docket Entry:** BRIEF PETITIONER'S BRIEF IN SUPPORT OF PROCEEDING WITH BOTH MERITS & CLASS DISCOVERY FILED

06/10/2002                    **Docket Entry:** NOTICE OF INTENT TO APPEAR BY TELEPHONE FILED

06/10/2002                    **Docket Entry:** MISCELLANEOUS /REQUEST FOR THE COURT TO TAKE JUDICIAL NOTICE OF DEFENDANT DDS FUNDING SUMMARIES FILE

06/10/2002                    **Docket Entry:** MOTION TO BIFURCATE PRE-CERTIFICATION 06/13/2002 10:00 AM D- 22

06/10/2002                    **Docket Entry:** MOTION TO BIFURCATE PRE-CERTIFICATION FILED BY CENTRAL VALLEY REGIONAL CENTER INC. (CVRC), EASTERN

06/10/2002                    **Docket Entry:** REJECTION LETTER ISSUED ON OPPOSITION

06/10/2002                    **Docket Entry:** DECLARATION IN OPPOSITION OF BRUCE MACKENZIE FILED BY REDWOOD COAST DEVELOPMENTAL SERVICE CORPORATIO

06/06/2002                    **Docket Entry:** MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEMURRER FILED

06/06/2002                    **Docket Entry:** REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STAY FILED

06/06/2002                    **Docket Entry:** DECLARATION OF SUSAN M. CARSON IN SUPPORT OF MOTION TO STAY FILED BY CLIFF ALLENBY, GRANTLAND JOHNSO

06/03/2002                    **Docket Entry:** MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION FOR STAY FILED

06/03/2002 **Docket Entry:** MOTION TO STAY PROCEEDINGS 06/13/2002 10:00 AM D-22

06/03/2002 **Docket Entry:** MOTION TO STAY PROCEEDINGS FILED FOR RESPONDENT

06/03/2002 **Docket Entry:** MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION FILED

05/29/2002 **Docket Entry:** MOTION FOR JOINDER 06/13/2002 10:00 AM D- 22

05/29/2002 **Docket Entry:** MOTION FOR JOINDER FILED FOR RESPONDENT

05/24/2002 **Docket Entry:** CASE MANAGEMENT CONFERENCE ORDER ISSUED

05/24/2002 **Docket Entry:** MOTION TO STAY PROCEEDINGS 06/13/2002 10:00 AM D-22

05/24/2002 **Docket Entry:** MOTION TO STAY PROCEEDINGS FILED FOR RESPONDENT

05/24/2002 **Docket Entry:** CASE MANAGEMENT CONFERENCE COMMENCED AND COMPLETED

05/23/2002 **Docket Entry:** MOTION TO STAY PROCEEDINGS 06/13/2002 10:00 AM D-22

05/23/2002 **Docket Entry:** MOTION TO STAY PROCEEDINGS FILED FOR RESPONDENT

05/21/2002 **Docket Entry:** CASE MANAGEMENT STATEMENT OF VALLEY MOUNTAIN REGIONAL CENTER INC. (VMRC), KERN REGIONAL CENTER, TRI

05/21/2002 **Docket Entry:** PROPOSED ORDER RECEIVED

05/21/2002 **Docket Entry:** ANSWER TO COMPLAINT FILED FOR VALLEY MOUNTAIN REGIONAL CENTER INC. (VMRC), KERN REGIONAL CENTER, TRI

05/21/2002 **Docket Entry:** JOINDER TO COMPLEX CASE DESIGNATION

05/21/2002 **Docket Entry:** CIVIL CASE COVER SHEET JOINDER TO COMPLEX DESIGNATION FILED FOR TRI-COUNTRIES REGIONAL CENTER

05/21/2002 **Docket Entry:** CASE MANAGEMENT STATEMENT OF REGIONAL CENTER OF THE EAS BAY INC. (RCEB) FILED

05/20/2002 **Docket Entry:** MISCELLANEOUS NON-CALIFORNIA AUTHORITIES IN SUPPORT OF PLAINTIFF'S CASE MANAGEMENT CONFERENCE STATEM

05/17/2002 **Docket Entry:** CASE MANAGEMENT STATEMENT OF CAPITOL PEOPLE FIRST, ADOLPH ANGULO, HARRY ASPREY, EDSON CRUZ, DAVID KE

05/17/2002 **Docket Entry:** CASE MANAGEMENT STATEMENT OF COASTAL DEVELOPMENTAL SERVICES FOUNDATION FILED



05/17/2002                   **Docket Entry:** CASE MANAGEMENT STATEMENT OF GOLDEN GATE REGIONAL CENTER INC. (GGRC) FILED

05/17/2002                   **Docket Entry:** CASE MANAGEMENT STATEMENT OF DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS), CLIFF ALLENBY, STATE OF CAL

05/17/2002                   **Docket Entry:** CASE MANAGEMENT STATEMENT OF SAN DIEGO-IMPERIAL COUNTIES DEVELOPMENTAL SERVICE INC. FILED

05/17/2002                   **Docket Entry:** MISCELLANEOUS JOINDER AND CASE MANAGEMENT CONFERENCE STATEMENT OF DEFENDANTS FILED

05/16/2002                   **Docket Entry:** CASE MANAGEMENT STATEMENT OF ALTA CALIFORNIA REGIONAL CENTER INC. (ACRC), FAR NORTHERN COORDINATING

05/15/2002                   **Docket Entry:** AMENDED NOTICE OF HEARING ON DEMURRER FILED

05/15/2002                   **Docket Entry:** ANSWER TO COMPLAINT FILED FOR CENTRAL VALLEY REGIONAL CENTER INC. (CVRC), EASTERN LOS ANGELES REGION

05/13/2002                   **Docket Entry:** PROOF OF SERVICE RESPONSE TO PETITION FOR WRIT OF MANDATE FILED

05/10/2002                   **Docket Entry:** PROOF OF SERVICE FILED

05/08/2002                   **Docket Entry:** ANSWER TO PETITION FILED FOR SAN DIEGO-IMPERIAL COUNTIES DEVELOPMENT SERVICES, INC.

05/08/2002                   **Docket Entry:** ANSWER TO PETITION FILED FOR REGIONAL CENTER OF ORANGE COUNTY, INC.

05/07/2002                   **Docket Entry:** MOTION TO STAY PROCEEDINGS HEARING CONFIRMED FOR 06/13/2002 10:00 AM D- 22

05/07/2002                   **Docket Entry:** MOTION TO STAY PROCEEDINGS FILED FOR RESPONDENT

05/07/2002                   **Docket Entry:** ANSWER TO COMPLAINT FILED FOR GOLDEN GATE REGIONAL CENTER

05/07/2002                   **Docket Entry:** NOTICE OF HEARINGS ON DEMURRER FILED

05/07/2002                   **Docket Entry:** DEMURRER TO COMPLAINT HEARING CONFIRMED FOR 06/13/2002 10:00 AM D- 22

05/07/2002                   **Docket Entry:** DEMURRER TO COMPLAINT FILED BY DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS), CLIFF ALLENBY, CHHS, GRAN

05/07/2002                   **Docket Entry:** ANSWER TO PETITION FILED FOR COASTAL DEVELOPMENTAL SERVICES FOUNDATION

05/07/2002                   **Docket Entry:** ANSWER TO PETITION FILED FOR ALTA CALIFORNIA REGIONAL CENTER

05/07/2002 **Docket Entry:** ANSWER TO PETITION FILED FOR NORTH BAY REGIONAL CENTER

05/07/2002 **Docket Entry:** ANSWER TO PETITION FILED FOR SAN ANDREAS REGIONAL CENTER

05/07/2002 **Docket Entry:** ANSWER TO PETITION FILED FOR REGIONAL CENTER OF THE EAST BAY

05/07/2002 **Docket Entry:** ANSWER TO PETITION FILED FOR FAR NORTHERN REGIONAL CENTER

04/18/2002 **Docket Entry:** PROOF OF SERVICE RE: ORDER FOLLOWING COMPLEX CASE MANAGEMENT CONFERENCE FILED

04/08/2002 **Docket Entry:** ORDER RE CASE MANAGEMENT FILED

04/02/2002 **Docket Entry:** NOTICE OF APPEARANCE FILED

03/29/2002 **Docket Entry:** PROOF OF SERVICE ON COMPLAINT AS TO DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS), CLIFF ALLENBY, CHHS

03/27/2002 **Docket Entry:** PROOF OF SERVICE RE: APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM /ORDER FILED

03/27/2002 **Docket Entry:** HEARING RESET TO CASE MANAGEMENT CONFERENCE 03/26/2002 03:00 PM D- 22

03/26/2002 **Docket Entry:** CASE MANAGEMENT STATEMENT OF KERN REGIONAL CENTER, VALLEY MOUNTAIN REGIONAL CENTER, INC., REDWOOD CO

03/26/2002 **Docket Entry:** HEARING CONTINUED TO CASE MANAGEMENT CONF CONTINUANCE DEPT: 22 DATE: 05/24/2002 TIME: 11:00 AM

03/26/2002 **Docket Entry:** CASE MANAGEMENT CONFERENCE COMMENCED AND CONTINUED

03/25/2002 **Docket Entry:** PROOF OF SERVICE ALTERNATIVE DISPUTE RESOLUTION INFORMATION PACKAGE FILED

03/21/2002 **Docket Entry:** NOTICE OF RELATED CASES FILED

03/21/2002 **Docket Entry:** CASE MANAGEMENT STATEMENT OF DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS), CLIFF ALLENBY, CHHS, GRANTL

03/20/2002 **Docket Entry:** PROOF OF SERVICE NOTICE AND ACKNOWLEDGEMENT OF RECEIPT FILED

03/20/2002 **Docket Entry:** PROOF OF SERVICE ON COMPLAINT AS TO DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS) FILED

03/20/2002 **Docket Entry:** CASE MANAGEMENT STATEMENT OF CENTRAL VALLEY REGIONAL CENTER INC. (CVRC), EASTERN LOS ANGELES REGIONA

03/20/2002                    **Docket Entry:** PROOF OF SERVICE BY MAIL FILED

03/19/2002                    **Docket Entry:** CASE MANAGEMENT STATEMENT OF CAPITOL PEOPLE FIRST, KIM MCANNELLY, MELBERT SCHANZENBACH, JOELLEN VENT

03/08/2002                    **Docket Entry:** MOTION GRANTED

03/08/2002                    **Docket Entry:** COMPLEX DETERMINATION HEARING COMMENCED AND COMPLETED

03/01/2002                    **Docket Entry:** DECLARATION IN SUPPORT APPLICATION FOR COMPLEX LITIGATION DESIGNATION FILED

03/01/2002                    **Docket Entry:** MISCELLANEOUS APPLICATION FOR COMPLEX LITIGATION DESIGNATION FILED

03/01/2002                    **Docket Entry:** SUMMONS ON COMPLAINT ISSUED

03/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM GRANTED

03/01/2002                    **Docket Entry:** APPLICATION RE: OTHER EXPARTE GRANTED

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO AVERY RUSSELL GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO SHAWN WOODWARD KATZ GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO JAMES WHITE GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO JOELLEN VENTURA GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO MELBERT SCHANZENBACH GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO ALANA RIDGEWAY GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO ANDRE MILLS GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO KIM MCANNELLY GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO DAVID A. KELTY GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO EDSON CRUZ GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO HARRY ASPREY GRANTED IN PART

02/25/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS AS TO ADOLPH ANGULO GRANTED IN PART

02/22/2002                    **Docket Entry:** APPLICATION RE: OTHER EXPARTE FILED

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR SHAWN WOODWARD KATZ

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR JAMES WHITE

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR JOELLEN VENTURA

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR MELBERT SCHANZENBACH

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR ALANA RIDGEWAY

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR ANDRE MILLS

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR KIM MCANNELLY

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR DAVID A. KELTY

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR EDSON CRUZ

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR HARRY ASPREY

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR ADOLPH ANGULO

02/22/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM FILED FOR KIM MCANNELLY

02/22/2002                    **Docket Entry:** APPLICATION RE: WAIVER OF COURT FEES AND COSTS FILED FOR AVERY RUSSELL

02/06/2002                    **Docket Entry:** CASE MANAGEMENT CONFERENCE 03/26/2002 04:15 PM D-22

02/06/2002                    **Docket Entry:** COMPLEX DETERMINATION HEARING 03/08/2002 02:00 PM D- 22

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO EDSON CRUZ DENIED

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO ANDRE MILLS DENIED

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO ALANA RIDGEWAY DENIED

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO HARRY ASPREY DENIED

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO DAVID A. KELTY DENIED

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO ADOLPH ANGULO DENIED

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO JOELLEN VENTURA DENIED

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO MELBERT SCHANZENBACH DENIED

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO SHAWN WOODWARD KATZ DENIED

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO JAMES WHITE DENIED

02/01/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM AS TO KIM MCANNELLY DENIED

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM FILED FOR EDSON CRUZ

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM FILED FOR ANDRE MILLS

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM FILED FOR ALANA RIDGEWAY

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM FILED FOR HARRY ASPREY

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM FILED FOR DAVID A. KELTY

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM FILED FOR ADOLPH ANGULO

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM

FILED FOR JOELLEN VENTURA

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM  
FILED FOR MELBERT SCHANZENBACH

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM  
FILED FOR SHAWN WOODWARD KATZ

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM  
FILED FOR JAMES WHITE

01/25/2002                    **Docket Entry:** APPLICATION RE: APPOINTMENT OF GUARDIAN AD LITEM  
FILED FOR KIM MCANNELLY

01/25/2002                    **Docket Entry:** COMPLEX DESIGNATION REQUESTED

01/25/2002                    **Docket Entry:** CIVIL CASE COVER SHEET FILED FOR CAPITOL PEOPLE FIRST

01/25/2002                    **Docket Entry:** PETITION FOR WRIT OF MANDATE FILED (AMENDED)

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