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19 UNITED STATES DISTRICT COURT
20 FOR THE EASTERN DISTRICT OF CALIFORNIA

21 LESLIE NAPPER, JANET FISCHER, JACQUIE
22 EICHHORN-SMITH, TED YANELLO, and
23 LYNDA MANGIO, on behalf of themselves and
24 all others similarly situated,

25 Plaintiffs,

26 v.

27 COUNTY OF SACRAMENTO; BOARD OF
28 SUPERVISORS OF THE COUNTY OF
SACRAMENTO; County Supervisor ROGER
DICKINSON; County Supervisor JIMMIE YEE;
County Supervisor SUSAN PETERS; County
Supervisor ROBERTA MACGLASHAN; County
Supervisor DON NOTTOLI; SACRAMENTO
COUNTY DEPARTMENT OF BEHAVIORAL
HEALTH SERVICES; ANN EDWARDS-
BUCKLEY, Director, Department of Behavioral
Health Services; MARY ANN BENNETT, Mental
Health Director,

Defendants.

Case No. 2:10-CV-01119-JAM-EFB

CLASS ACTION

PRELIMINARY INJUNCTION

Date: July 21, 2010

Time: 9:30 a.m.

Place: Courtroom 6, 14th Floor

Judge: Hon. John A. Mendez

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**[ADDITIONAL COUNSEL LISTED ON
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1 This cause came on to be heard on July 21, 2010, on Plaintiffs' motion for a preliminary
2 injunction. After full consideration of the declarations, exhibits, and memoranda submitted in
3 support of and in opposition to that motion, and after hearing the argument of counsel, the Court
4 has made the findings and conclusions that support the issuance of the preliminary injunction
5 described herein.

6 **GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED,**
7 **ADJUDGED AND DECREED** that:

8 1. Plaintiffs' motion for a preliminary injunction is granted;
9 2. Defendants County of Sacramento ("County"), Sacramento County Board of
10 Supervisors ("Board"), current Board members Roger Dickinson, Jimmie Yee, Susan Peters,
11 Roberta MacGlashan, and Don Nottoli, Sacramento County Department of Behavioral Health
12 Services ("DBHS"), DBHS' current Director Ann Edwards-Buckley, and the County's current
13 Mental Health Director Mary Ann Bennett ("Defendants"), and their respective successors in
14 office, agents, servants, employees, attorneys, and all persons in active concert therewith are
15 preliminarily enjoined from implementing or enforcing the "Hybrid Plan" which was approved by
16 the Board on June 17, 2010, unless and until the Court has determined that Plaintiffs Leslie
17 Napper, Jan Fischer, Jacquie Eichhorn-Smith, Ted Yanello and Lynda Mangio ("Plaintiffs") and
18 all current and future adult recipients of Medi-Cal funded outpatient mental health services in the
19 County will continue to receive these outpatient mental health services in the most integrated
20 setting possible so as to avoid their unnecessary institutionalization and/or treatment through
21 hospital emergency rooms.

22 3. Defendants are further ordered to take all actions necessary within the scope of
23 their authority to implement the above preliminary injunction.

24 4. Defendants are further ordered to provide prompt written notice of this order to
25 Plaintiffs and all other adults who currently receive Medi-Cal funded outpatient mental health
26 services from the County, excluding those individuals who only receive their outpatient mental
27 health services from the Full Service Partnerships or the Behavioral Health Team or the
28 Guesthouse at El Hogar. A copy of the English version of the written notice is attached hereto

1 and marked as Exhibit A. Besides mailing the approved notice to recipients, Defendants shall
2 make all reasonable efforts to give telephonic notification to these recipients and shall also make
3 all reasonable arrangements to post a copy of the notice in a prominent location at all outpatient
4 mental health facilities operated by or under contract with the County, and at the Sacramento
5 County Mental Health Treatment Center.

6 **IT IS FURTHER ORDERED** that this preliminary injunction will remain in full force
7 and effect until the final judgment of this Court upon the trial of this action, or further order of
8 this Court, whichever comes soonest.

9 **IT IS FURTHER ORDERED** that Plaintiffs need not post any bond in connection with
10 this preliminary injunction.

11 **IT IS FURTHER ORDERED** that Plaintiffs' motion for class certification is denied as
12 premature at this time and without prejudice to Plaintiffs' filing such a motion at a later date.

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Dated: July 27, 2010

/s/ John A. Mendez
JOHN A. MENDEZ, JUDGE
UNITED STATES DISTRICT COURT

Approved as to form:

/s/
Michele Bach
Counsel for Defendants