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11
12 UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

14
15 LESLIE NAPPER, JANET FISCHER, JACQUIE
EICHHORN-SMITH, TED YANELLO, and
16 LYNDA MANGIO, on behalf of themselves and
all others similarly situated,

17 Plaintiffs,

18 v.

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

26 Defendants.

Case No. 2:10-cv-1119

CLASS ACTION

**NOTICE OF MOTION AND MOTION
FOR CLASS CERTIFICATION**

Date: TBD

Time: TBD

Place: Courtroom 6, 14th Floor

Judge: Hon. John A. Mendez

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**[ADDITIONAL COUNSEL LISTED ON
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1 **NOTICE OF MOTION AND MOTION FOR CLASS CERTIFICATION**

2 TO DEFENDANTS COUNTY OF SACRAMENTO; BOARD OF SUPERVISORS OF
3 THE COUNTY OF SACRAMENTO; County Supervisor ROGER DICKINSON; County
4 Supervisor JIMMIE YEE; County Supervisor SUSAN PETERS; County Supervisor ROBERTA
5 MACGLASHAN; County Supervisor DON NOTTOLI; SACRAMENTO COUNTY
6 DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; ANN EDWARDS-BUCKLEY,
7 Director, Department of Behavioral Health Services; MARY ANN BENNETT, Mental Health
8 Director, AND THEIR ATTORNEYS OF RECORD:

9 PLEASE TAKE NOTICE that, at a date and time to be determined,¹ before the Honorable
10 John A. Mendez, in Courtroom 6, United States District Court, Eastern District of California,
11 located at 501 I Street, Suite 4-200, Sacramento, CA, Plaintiffs individually and on behalf of class
12 members will move the Court pursuant to Rule 23 of the Federal Rules of Civil Procedure and
13 Rule 205(1) of the Local Civil Rules to grant the following:

14 (a) An order certifying the proposed class of Plaintiffs consisting of “all current and
15 future recipients of Medi-Cal funded mental health services in the County of Sacramento”;

16 (b) An order approving named Plaintiffs Leslie Napper, Janet Fischer, Jacquie
17 Eichhorn-Smith, Ted Yanello, and Lynda Mangio as class representatives;

18 (c) An order appointing Cooley LLP, Western Center on Law and Poverty, and
19 Disability Rights California as class counsel for Plaintiffs; and

20 (d) An order that notice need not be given to class members of the pendency of this
21 class action at this time.

22 The Motion will be made on the grounds that this action satisfies the requirements for
23 class certification under Rule 23(a) and Rule 23(b)(2).

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25
26 _____
27 ¹ Concurrently with this motion, Plaintiffs are filing an *ex parte* application requesting a hearing
28 on their Motion for Class Certification on July 7, 2010.

1 This Motion for Class Certification is based upon this Notice of Motion and Motion; the
2 accompanying Memorandum of Points and Authorities as well as the Memorandum of Points and
3 Authorities in support of Plaintiffs' Motion for Preliminary Injunction; all accompanying
4 declarations and exhibits, including the declarations and exhibits filed concurrently in support of
5 Plaintiffs' Motion for a Preliminary Injunction; all pleadings and papers on file in this action; and
6 such other matters as may be presented to the Court at the time of the hearing.

7 Dated: June 9, 2010

WESTERN CENTER ON LAW AND POVERTY

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9 By: /s/ Robert D. Newman
10 ROBERT D. NEWMAN

11 Attorneys for Plaintiffs

12 854199 v2/HN
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