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23 Attorneys for Plaintiffs
24 [Additional counsel appear on next page]

25 **UNITED STATES DISTRICT COURT**
26 **CENTRAL DISTRICT OF CALIFORNIA**

27 SUSAN RODDE, KENNETH
28 YOUNGER, AND ANTONIO
GAXIOLA, et al.,

Plaintiffs,

v.

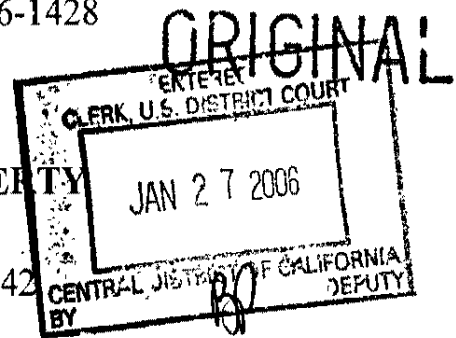
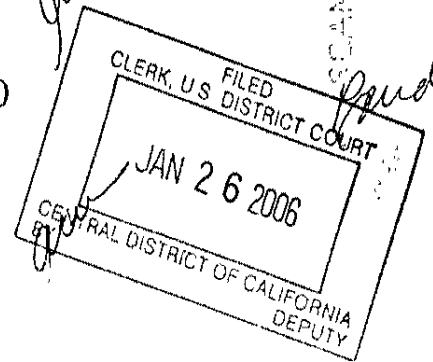
DIANA BONTA, R.N., DR. P.H.,
Director of the State Department of
Health Services, an Individual in Her
Official Capacity; COUNTY OF LOS
ANGELES, a public entity; THOMAS
L. GARTHWAITE, M.D., Director and
Chief Medical Officer of Defendant
County's Department of Health
Services; an individual in his official
capacity; and DOES 1-10, inclusive,
individual Defendants are sued in their
official capacities,

Defendants.

Case No. CV 03-1580 FMC (PJWx)
[Honorable Florence-Marie Cooper]

**STIPULATION RE DISMISSAL OF
PLAINTIFFS' CLAIMS AGAINST
STATE DEFENDANTS;
[PROPOSED] ORDER**

Date: January 30, 2006
Time: 11:00 a.m.
Ctm: 750



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CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

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Additional Counsel:

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3435 Wilshire Boulevard, #2860
Los Angeles, California 90010-1938
Telephone: (213) 639-0930 ♦ FAX: (213) 639-0934

1 **WHEREAS**, plaintiffs Susan Rodde, *et al.*, filed this lawsuit on or about
2 March 6, 2003, to challenge the then threatened closure by the County of Los Angeles
3 (“County”) of Rancho Los Amigos National Rehabilitation Center (“Rancho”); and

4 **WHEREAS**, this lawsuit alleges claims for injunctive and declaratory relief
5 not only against the County Defendants – the County of Los Angeles and Dr. Thomas
6 L. Garthwaite, Director of the County Department of Health Services – but also the
7 State Defendant – Diana Bonta, who then was the Director of the California
8 Department of Health Services¹; and

9 **WHEREAS**, on May 6, 2003, this Court issued a preliminary injunction only
10 against the County Defendants regarding the closure of Rancho; and

11 **WHEREAS**, on February 5, 2004, the United States Court of Appeals, Ninth
12 Circuit, affirmed this preliminary injunction against the County Defendants; and

13 **WHEREAS**, plaintiffs have now entered into a settlement with the County
14 Defendants which, *inter alia*, ensures that Rancho will remain open for at least
15 another three years after the effective date of the settlement and plaintiffs will retain
16 their rights to bring legal action against any future efforts to close or reduce the level
17 of services at Rancho; and

18 **WHEREAS**, the fairness hearing to approve the settlement with the County
19 Defendants is currently set for January 30, 2006; and

20 **WHEREAS**, plaintiffs and the State Defendant wish to avoid the time and
21 expense of further litigation and plaintiffs perceive no reason to pursue their claims
22 any further against the State Defendant in view of the settlement with the County
23 Defendants;

24 **IT IS HEREBY STIPULATED** by and between plaintiffs and the State
25 Defendant through their respective counsel that, subject to Court approval,

- 26 1. The claims in this lawsuit against the State Defendant shall be dismissed

27
28 ¹ Sandra Shewry is the current Director of the California Department of Health Services.

1 without prejudice; and

2 2. Plaintiffs and the State Defendants shall bear their respective attorneys'
3 fees, costs and expenses as to the claims in this lawsuit against the State Defendant.
4 This stipulation is not intended to affect in any way the payment of fees, costs and
5 expenses to plaintiffs' counsel by the County Defendants pursuant to the terms of
6 their settlement.

7 DATED: January 24, 2006

WESTERN CENTER ON LAW & POVERTY
KIRKLAND & ELLIS LLP
PROTECTION AND ADVOCACY, INC.
DISABILITY RIGHTS LEGAL CENTER
NATIONAL SENIOR CITIZENS LAW CENTER

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9
10 By: Robert D. Newman
11 ROBERT D. NEWMAN
12 Attorneys for Plaintiffs

13 Dated: January __, 2006

OFFICE OF THE ATTORNEY GENERAL
OF CALIFORNIA

14
15
16 By: _____
DONALD P. COLE
17 Attorneys for Defendant Sandra Shewry, Director
of California Department of Health Services

18 **ORDER**

19 IT IS SO ORDERED.

20
21 Dated: January 26, 2006

22 Florence Marie Cooper
23 HONORABLE FLORENCE-MARIE COOPER
24 UNITED STATES DISTRICT JUDGE
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SCANNED

1 without prejudice; and

2 2. Plaintiffs and the State Defendants shall bear their respective attorneys'
3 fees, costs and expenses as to the claims in this lawsuit against the State Defendant.
4 This stipulation is not intended to affect in any way the payment of fees, costs and
5 expenses to plaintiffs' counsel by the County Defendants pursuant to the terms of
6 their settlement.


7 DATED: January 24, 2006

WESTERN CENTER ON LAW & POVERTY
KIRKLAND & ELLIS LLP
PROTECTION AND ADVOCACY, INC.
DISABILITY RIGHTS LEGAL CENTER
NATIONAL SENIOR CITIZENS LAW CENTER

By: _____
ROBERT D. NEWMAN
Attorneys for Plaintiffs

13 Dated: January ²⁴____, 2006

OFFICE OF THE ATTORNEY GENERAL
OF CALIFORNIA

By: 
DONALD P. COLE
Attorneys for Defendant Sandra Shewry, Director
of California Department of Health Services

ORDER

IT IS SO ORDERED.

21 Dated: January _____, 2006


HONORABLE FLORENCE-MARIE COOPER
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

RODDE v. COUNTY OF LOS ANGELES
CV 03-1580 FMC (PJWx)

CLERK
COURT

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is : 3701 Wilshire Blvd., Ste. 208, Los Angeles, CA 90010

On January 25, 2006, I served the foregoing document described as STIPULATION RE DISMISSAL OF PLAINTIFFS' CLAIMS AGAINST STATE DEFENDANTS; [PROPOSED] ORDER by placing _____ the original X a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

On the above date:

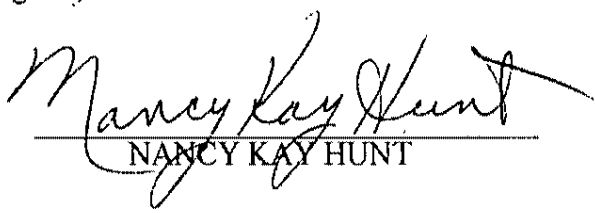
_____ (By U.S. MAIL / BY EXPRESS MAIL) The sealed envelope, with postage thereon fully prepaid, was placed for collection and mailing following ordinary business practices. I am aware that on motion of the party served, service is presumed invalid if the postage cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing set forth in this declaration. I am readily familiar with Western Center On Law And Poverty's practice for collection and processing of documents for mailing with the United States Postal Service and that the documents are deposited with the United States Postal Service the same day as the day of collection in the ordinary course of business.

_____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized carrier or driver authorized by the express carrier to receive documents.

_____ (FEDERAL ONLY) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 25, 2006, at Los Angeles, California.



NANCY KAY HUNT

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