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FILED
CLERK, U.S. DISTRICT COURT
JAN 30 2006
CENTRAL DISTRICT OF CALIFORNIA
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ENTERED
CLERK, U.S. DISTRICT COURT
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JAN 31 2006
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

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

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

25 **SUSAN RODDE, KENNETH**
26 **YOUNGER, AND ANTONIO**
27 **GAXIOLA, et al.,**

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

28 Plaintiffs,

v.

[REDACTED] FINDINGS OF FACT
AND CONCLUSIONS OF LAW ON
ATTORNEYS' FEES PORTION OF
SETTLEMENT AGREEMENT
(F.R.C.P. 23(h))

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

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

Defendants.

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LOS ANGELES

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1 Pursuant to Rules 23(h) and 52 of the Federal Rules of Civil Procedure, the
2 Court finds and concludes as follows:

3 **Findings of Fact**

4 1. This lawsuit was filed in March 2003 to prevent closure of Rancho
5 Los Amigos Rehabilitation Center ("Rancho"), an acclaimed facility for treatment
6 of persons with severe disabilities and chronic illnesses. Plaintiffs represent a
7 certified class of Medi-Cal recipients who receive care at Rancho.

8 2. Plaintiffs obtained a preliminary injunction that prevented
9 closure of Rancho, and the injunction was affirmed on appeal. *Rodde v. Bonta*,
10 357 F.3d 988 (9th Cir. 2004). Plaintiffs then secured a Settlement Agreement that
11 protected the right to continued treatment for themselves and members of the
12 plaintiff class. Plaintiffs are prevailing parties in this litigation.

13 3. This lawsuit vindicated rights protected by the Americans with
14 Disabilities Act and the Medicaid Act.

15 4. The hours claimed by plaintiffs in this litigation, as modified by
16 counsel's five percent voluntary billing judgment reduction, are reasonable. This
17 case required plaintiffs' counsel to make a massive factual showing, including
18 numerous expert declarations, concerning the likely effect of the closure of
19 Rancho on persons with disabilities and chronic illnesses. Counsel also needed to
20 analyze and brief in this Court and the Ninth Circuit major issues of first
21 impression concerning the applicability of the Americans with Disabilities Act and
22 the Medicaid Act. Plaintiffs' attorneys then engaged in detailed and lengthy
23 negotiations resulting in a comprehensive Settlement Agreement that protects the
24 interests of the plaintiff class. Throughout the litigation, counsel's presentation
25 was thorough and persuasive. The quality of representation was excellent.

26 5. The hourly rates claimed by plaintiffs are reasonable. The rates are
27 justified by substantial evidence of the customary rates charged by private
28 attorneys with comparable experience; rates awarded in other cases, including to

1 plaintiffs' counsel; the novelty and difficulty of the issues presented; the
2 extraordinary qualifications of many of plaintiffs' counsel; and the excellence of
3 the representation.


4 6. Plaintiffs' counsel reasonably incurred \$63,649 in costs and out-of-
5 pocket litigation expenses in this case.

6 **Conclusions of Law**

7 1. Plaintiffs are entitled to an award of attorneys' fees, costs and
8 litigation expenses under 42 U.S.C. § 12205 and 42 U.S.C. § 1988.

9 2. The \$1,750,000 agreed to by the parties in ¶ 25 of the Settlement
10 Agreement is fair and reasonable.

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12 DATED: Jan 30, 2006

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18 United States District Judge

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PROOF OF SERVICE

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

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 13, 2006, I served the foregoing document described as **[PROPOSED] FINDINGS OF FACT AND CONCLUSIONS OF LAW ON ATTORNEYS' FEES PORTION OF SETTLEMENT AGREEMENT (F.R.C.P. 23(h))** 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:

X (By X 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 13, 2006, at Los Angeles, California.


NANCY KAY HUNT

