

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

LARS KNIPP by his next friend, )  
Deborah Stone; JAMES KIM, by )  
his next friend, Grace Kim; SUSANNAH )  
TROGDON, by her next friend, Samuel )  
Trogon; AMBI HEARD; SHAUN )  
MITCHELL; and ROBERT CHAFFIN )  
by his next friends, Tom Chaffin and )  
Lena Margareta Larsson Chaffin, )

Plaintiffs, )

v. )

GEORGE ERVIN "SONNY" PERDUE )  
III, in his official capacity as Governor, )  
State of Georgia, CLYDE L. REESE, III )  
in his official capacity as Commissioner, )  
Georgia Department of Community )  
Health; DR. FRANK E. SHELP, in his )  
official capacity as Commissioner, )  
Georgia Department of Behavioral Health )  
and Developmental Disabilities. )

Defendants. )

CIVIL ACTION  
FILE NO.

MOTION FOR PRELIMINARY INJUNCTION

Come now Plaintiffs and move the Court for entry of a preliminary  
injunction showing as follows:

1.

Plaintiffs are current or recently terminated recipients of benefits under a Georgia Medicaid program called Service Options Using Resources in a Community Environment (“SOURCE”). The SOURCE program provides supports, including residential services, necessary for Plaintiffs to live in community settings. Plaintiffs each received a termination notice from SOURCE because the Georgia Department of Community Health opted to change the SOURCE program so that it would not serve individuals needing those services because of mental health disabilities or developmental disabilities, unless such individuals also had a physical disability.

2.

With the loss of SOURCE benefits, Plaintiffs will lose the services they need to continue to live in the community and will be at substantial risk of institutionalization. Individuals with disabilities have the right to receive services in the most integrated setting appropriate to their needs unless such services would fundamentally alter the way in which the state provides services. Plaintiffs now seek preliminary injunctive relief including reinstatement of benefits provided under the SOURCE program.

3.

Plaintiffs meet the requirements for preliminary injunctive relief. In the attached brief and the accompanying evidentiary materials, Plaintiffs will demonstrate (1) a substantial likelihood of success on the merits; (2) a threat of irreparable injury if the preliminary injunction is not granted; (3) irreparable injury that outweighs the harm the preliminary injunction will cause to the Defendants; and (4) the preliminary injunction is in the public interest.

WHEREFORE, Plaintiffs request that they be granted preliminary injunctive relief continuing their SOURCE benefits.

Respectfully submitted,

/s/ C. Talley Wells  
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**CERTIFICATE OF COMPLIANCE**

The undersigned counsel certifies that the foregoing has been prepared in Times New Roman (14 point) font, as approved by the Court in L.R. 5.1.B.

Respectfully submitted,

/s/ C. Talley Wells  
C. Talley Wells  
Georgia Bar No. 747657  
Counsel for Plaintiffs