

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civ. No. 5:11-cv-354

K.C., et al., individually and on behalf of)
all others similarly situated,)
)
Plaintiffs,)
)
v.)
)
LANIER CANSLER, in his official)
capacity as Secretary of the Department)
of Health and Human Services, et al.,)
)
Defendants.)
_____)

PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION

Pursuant to Federal Rule of Civil Procedure 23(a) and 23(b)(2), Plaintiffs move the Court to certify this case as a class action, with the class defined as: All current or future participants in the N.C. Innovations Waiver, as it is currently or subsequently named, whose Medicaid services have been or will be denied, reduced, or terminated by Defendant Secretary of the North Carolina Department of Health and Human Services, Defendant PBH, or any of their employees, contractors, agents or assigns through the implementation of the Supports Intensities Scale or Supports Needs Matrix.

Undersigned counsel also move the Court to appoint them as class counsel pursuant to Fed. R. Civ. P. Rule 23(g).

This Motion is supported by the Memorandum in Support of Plaintiffs’ Motion for Class Certification, which Plaintiffs have filed concurrently, the attached cases, declarations, and affidavit, and the affidavits, declarations, and exhibits previously filed in Support of Plaintiffs’ Motion for Preliminary Injunction.

WHEREFORE, Plaintiffs request the Court to enter an order certifying this action as a class action pursuant to Fed. R. Civ. P. Rules 23(a) and 23(b)(2) and, pursuant to Rule 23(g), to appoint the following law firms as class counsel: Disability Rights North Carolina, Legal Services of Southern Piedmont, and National Health Law Program.

Dated: August 29, 2011

Respectfully submitted,

ATTORNEYS FOR PLAINTIFFS

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CERTIFICATE OF SERVICE

I certify that on this day, I served a true copy of the Plaintiffs' Motion for Class Certification upon the Defendants' attorneys via electronic means through the CM/ECF system to:

Ms. Belinda Smith, N.C. Department of Justice
Wallace C. Hollowell and Stephen D. Martin, Nelson Mullins Rile & Scarborough
Raboteau T. Wilder, Jr., Womble Carlyle Sandridge & Rice

This the 29th day of August 2011.

/s/ Douglas Stuart Sea