

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

ERIC STEWARD, <i>et al.</i> , Plaintiffs	§ § §	
v.	§ §	
RICK PERRY, Governor, <i>et al.</i> Defendants	§ § §	
_____	§	Case No. 5:10-CV-1025-0G
THE UNITED STATES OF AMERICA, Plaintiff-Intervenor	§ § §	
v.	§	
THE STATE OF TEXAS Defendants	§ § §	

**DECLARATION OF GARTH A. CORBETT IN SUPPORT OF PLAINTIFFS’
 SUPPLEMENTAL MEMORANDUM IN SUPPORT OF AMENDED MOTION FOR
 CLASS CERTIFICATION**

I, GARTH A. CORBETT, hereby declare:

1. I am an attorney with Disability Rights Texas, and one of the attorneys of record for Plaintiffs in this case. I make this declaration in support of Plaintiffs’ Supplemental Memorandum in Support of Amended Motion for Class Certification. I am competent to testify to the matters stated herein and either have personal knowledge of the facts set forth below or they are from sources deemed reliable.

2. This declaration has been prepared to authenticate the pertinent exhibit attached to Plaintiffs Supplemental Memorandum in Support of Amended Motion for Class Certification.

3. Attached hereto as Exhibit 1 is a true and correct copy of a report issued by the Texas Department of Aging and Disability Services, entitled *Medicaid Nursing and Home and Community Based Services in Texas, Prepared in Response to Senate Bill 222, Section 4, 82nd Legislature, Regular Session, 2011*, prepared by the Center for Policy and Innovation, dated August 2012, available at:

http://www.dads.state.tx.us/news_info/publications/legislative/sb222report-8-2012.pdf (last visited November 12, 2012). This report examines the factors leading to Nursing Facility placements as opposed to Home and Community-based Services (HCBS) placements, including ways to expedite access to HCBS services.

Pursuant to 28 USC § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 12th day of November, 2012, at Austin Texas.



GARTH A. CORBETT

CERTIFICATE OF SERVICE

I, Garth Corbett, hereby certify that all parties have been served through the Court's ECF system, or if such party does not accept service through the Court's ECF system, then by first class mail.

/s/ Garth A. Corbett

Garth A. Corbett