

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

T.R., et al.,

Plaintiffs,

V.

KEVIN QUIGLEY,<sup>1</sup> Secretary,  
Washington State Department of  
Social and Health Services; and  
DOROTHY TEETER,<sup>2</sup> Director,  
Washington State Health Care  
Authority,

## Defendants.

C09-1677 TSZ

## ORDER

Plaintiffs' unopposed motion for preliminary approval of class action settlement, docket no. 119, is GRANTED, and the Court hereby ORDERS as follows:

1. The parties' proposed Settlement Agreement, attached as Exhibit 1 to plaintiffs' motion, docket no. 119-1, is preliminarily APPROVED.

<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Kevin Quigley is hereby SUBSTITUTED for Susan N. Dreyfus, former Secretary, Washington State Department of Social and Health Services, as a defendant.

<sup>2</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Dorothy Teeter is hereby SUBSTITUTED for J. Douglas Porter, former Director, Washington State Health Care Authority, as a defendant.

- 1 2. A final approval hearing will be held on **Thursday, December 19, 2013, at 10:00**
- 2 **a.m.**, on the 15th floor of the United States Courthouse, located at 700 Stewart
- 3 Street, in Seattle, Washington. At that time, the Court will hear class members'
- 4 objections, if any, to the proposed Settlement Agreement and/or to plaintiffs'
- 5 motion for an award of attorneys' fees and costs. The Court will also hear
- 6 counsel's arguments as to why the Settlement Agreement is fair, reasonable, and
- 7 adequate and the requested attorneys' fees and costs are reasonable.
- 8 3. Plaintiffs shall file their motion for an award of attorneys' fees and costs no later
- 9 than October 10, 2013, and shall note their motion for December 13, 2013. Such
- 10 motion is excused from the limitations set forth in LCR 7(e), but shall not exceed
- 11 twenty-four (24) pages in length. Any response to the motion shall be filed with
- 12 the Court or served on plaintiffs' counsel no later than December 5, 2013, and
- 13 shall not exceed twenty-four (24) pages in length. Any reply shall be filed on or
- 14 before December 13, 2013, and shall not exceed twelve (12) pages in length.
- 15 4. The proposed Notice to class members, substantially in the form attached as
- 16 Exhibit 2 to plaintiffs' motion, docket no. 119-2, is APPROVED. The Notice
- 17 provides sufficient details regarding the Settlement Agreement to allow class
- 18 members to evaluate its terms and to decide whether to come forward and object.
- 19 The Notice also informs class members about the anticipated motion for attorneys'
- 20 fees and costs and the total amount that will be requested, and it provides class
- 21 members a method for obtaining more details.

1 5. The Notice Plan, substantially in the form attached as Exhibit 3 to plaintiffs'  
2 motion, docket no. 119-3, is also APPROVED. The Notice Plan is reasonably  
3 calculated to provide adequate notice to class members of the proposed Settlement  
4 Agreement and satisfies the due process requirements of the United States  
5 Constitution and Federal Rule of Civil Procedure 23(e). The parties shall carry out  
6 the Notice Plan by completing the following activities no later than November 1,  
7 2013:

- 8 a. Defendants shall translate the Notice into the following languages: Spanish,  
9 Vietnamese, Cambodian, Laotian, Chinese, Russian, Korean and Somali;
- 10 b. Defendants shall publish an announcement of the settlement, the final  
11 approval hearing, and class counsel contact information for additional  
information in four to five newspapers of general circulation covering the  
various geographic regions of Washington;
- 12 c. Defendants shall have the Notice physically posted at mental health  
13 providers contracted to provide Medicaid services across the state, and a  
copy of the proposed Settlement Agreement shall be available for review at  
those locations;
- 14 d. Plaintiffs shall maintain a dedicated email address for questions relating to  
15 the proposed Settlement Agreement and a toll-free number available to  
people with questions; both the email address and toll-free number shall be  
16 featured prominently in the written Notice, a short video that Plaintiffs have  
produced or will produce, and the website dedicated to the class action;  
17 Disability Rights Washington (“DRW”) shall review the content of the  
proposed Settlement Agreement with any class members and their families  
18 and answer any questions they may have when they contact DRW by  
phone, email, mail, or in person when it is in the community performing its  
duties as the protection and advocacy system for Washington;
- 19 e. The parties shall post the written Notice, proposed Settlement Agreement,  
20 and the short video, on the websites of class counsel and defendants'  
agencies;
- 21 f. The parties shall distribute the written Notice, proposed Settlement  
22 Agreement, and short video to multiple individuals and organizations

1 serving youth who exhibit risk factors that may indicate membership in the  
2 class, including but not limited to:

- 3 i. Regional Support Networks (“RSNs”) operating the managed care  
4 systems for Medicaid covered mental health services in  
5 Washington;
- 6 ii. Providers contracted with RSNs to deliver Medicaid funded mental  
7 health services;
- 8 iii. Children’s Long-term In-patient Program administration and  
9 contracting facilities;
- 10 iv. Civil legal service providers serving low income youth;
- 11 v. Public defenders representing youth in the juvenile justice,  
12 dependency, and civil commitment systems;
- 13 vi. Mental health ombuds programs;
- 14 vii. Native American Services Coordinators;
- 15 viii. Washington Chapter of the National Association of Social  
16 Workers;
- 17 ix. Mental health consumer advocacy organizations;
- 18 x. Chemical Dependency Treatment Inpatient Providers;
- 19 xi. County Coordinators for Substance Abuse Services;
- 20 xii. County Substance Abuse Prevention Specialists;
- 21 xiii. Treatment providers for fetal alcohol spectrum disorders;
- 22 xiv. Housing support providers;
- 23 xv. Statewide associations for substance abuse and mental health;
- xvi. State agency partners;
- xvii. Family, Youth and System Partners listserv maintained by the  
Washington State Department of Social and Health Services  
 (“DSHS”);
- xviii. Children’s Mental Health Redesign listserv maintained by DSHS;
- xix. Provider and stakeholder listservs maintained by the Washington  
State Health Care Authority; and
- xx. Consumer and advocate listservs maintained by class counsel’s  
respective organizations; and

g. The parties shall provide two in-person trainings about the proposed Settlement Agreement where class counsel, assisted by a representative

1 from the State of Washington, will answer any questions posed by  
2 attendees; one presentation shall be in Seattle and the other shall be in  
3 Spokane; these trainings shall be simulcast via video conference that can be  
4 viewed at DSHS offices in various locations around the state; additionally,  
5 one of the trainings shall be recorded; the video and accompanying  
6 materials shall be made available online to provide people the opportunity  
7 to access the information at a time and place that works best for them;  
8 Spanish and American Sign Language interpreters shall be made available  
9 at each of the training sessions and interpreters for other languages shall be  
10 available upon request.

11

12 6. Class members wishing to object to the proposed Settlement Agreement and/or to  
13 plaintiffs' motion for attorneys' fees and costs must either file written objections  
14 with the United States District Court or serve the objections on counsel for the  
15 parties **no later than Thursday, December 5, 2013**. Objections filed with the  
16 Court shall include the case number "C09-1677 TSZ" in a prominent location on  
17 the first page, and shall be addressed to the Office of the Clerk of the Court,  
18 United States District Court for the Western District of Washington, United States  
19 Courthouse, 700 Stewart Street, Seattle, WA 98101.

20

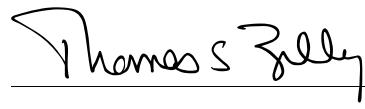
21 7. The parties shall file a joint motion for final approval of the Settlement Agreement  
22 along with any additional supporting documentation no later than Friday,  
23 December 13, 2013, and shall note the joint motion for the same day it is filed.  
The joint motion shall address any written objections from class members that  
were filed with this Court or served on counsel.

24

25 8. The Clerk is directed to send a copy of this Order to all counsel of record.

26 IT IS SO ORDERED.

1 Dated this 27th day of September, 2013.

2   
3

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
THOMAS S. ZILLY  
United States District Judge