

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

.....
A.J., a minor child by and through)
his mother, Donnell Creppel; G.M., a)
minor child by and through his mother,)
Jessica Michot; B.W., a minor child by)
and through his mother, Kodi Wilson;)
B.C., a minor child by and through his)
mother, Sarah Washington,) CIVIL ACTION NO. 19-324-BAJ-RLB
)
Plaintiffs) JUDGE JACKSON
)
v.) MAGISTRATE JUDGE BOURGEOIS
)
REBEKAH GEE, in her official) CLASS ACTION
capacity as Secretary of)
Louisiana Department of Health, and)
the LOUISIANA DEPARTMENT)
OF HEALTH)
)
Defendants.)
.....)

JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT

AND TO SET FAIRNESS HEARING

The parties submit this unopposed motion, pursuant to Fed. R. Civ. P. 23,
respectfully requesting that the Court:

- a. approve the means of notifying the class of a proposed settlement of the above action;
- b. set a date for a hearing to determine the fairness, reasonableness, and adequacy of the proposed settlement;
- c. establish a procedure for class members to present any objections to the proposed settlement;

d. after the hearing on the fairness of the settlement, approve the class settlement.

In support of this motion, the parties respectfully represent:

1. The parties have reached a settlement in this action which is submitted with this motion along with the parties' Joint Memorandum in Support of this Motion. Also attached are a [proposed] Order Preliminarily Approving Settlement Agreement, Requiring Notice to Class Members and Scheduling Fairness Hearing; the proposed form of publication notice to the class; and a longer description of the settlement that will be made available to the class.
2. The parties have proposed that the attached notice to the class be issued through:
 - a. the publications that the defendant Louisiana Department of Health uses for legal notices (including changes to the Medicaid state plan); these include newspapers in all regions of the state;
 - b. posting on the "News" section of the LDH website, linking to an actual copy of the Settlement Agreement and proposed order;
 - c. posting on the Medicaid front page of the LDH website, linking to an actual copy of the Settlement Agreement and proposed order;
 - d. letters sent to the home addresses of all known class members, giving a brief explanation of the settlement and directions for how to find additional information of the settlement on the Defendants' website;
 - e. posting on the website of the Advocacy Center, linking to an actual copy of the settlement and proposed order.
3. The proposed Settlement Agreement was reached through five months of arms-

length negotiations between counsel for Plaintiff and counsel for Defendants.

4. This is an action for injunctive relief only. No issues regarding damages were raised or would be litigated herein.
5. Counsel for plaintiffs and the class represent to this Court that they are able, experienced, and well-qualified to evaluate the fairness of the proposed settlement on behalf of the members of the class based on their experience in dealing with Medicaid issues and class action litigation. Plaintiffs' and their counsel believe that the proposed Settlement Agreement is fair, reasonable, and adequate to the members of the class, in light of the alleged violations by the defendants of the Medicaid Act and the Americans with Disabilities Act, and in light of defendants' potential defenses.
6. The Settlement Agreement provides for a payment of attorneys' fees in the amount of \$94,500 by defendants to class counsel, contingent upon court approval of the Settlement Agreement. The amount of the fee agreement is very reasonable given the amount of time expended by class counsel thus far and class counsel's continuing responsibilities under the Settlement Agreement. The fee agreement does not represent any collusion between class counsel and defendants; nor does the attorneys' fee in any way diminish the relief provided to the class.

WHEREFORE, the parties request that this Court enter an order setting a hearing to determine the fairness and adequacy of the proposed Settlement Agreement, that it order defendants to give notice to the class of the proposed settlement and of the time and place of the hearing in the form proposed or as otherwise ordered by the Court.

Respectfully Submitted this 18th of October, 2019.

/s/ Amitai Heller

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