

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 02-05662 AHM (SHx) Date July 17, 2012

Title KATIE A., et al. v. DIANA BONTÁ, et al.

Present: The Honorable A. HOWARD MATZ, U.S. DISTRICT JUDGE

Stephen Montes

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiffs:

Attorneys **NOT** Present for Defendants:

Proceedings: IN CHAMBERS (No Proceedings Held)

RECITALS

Pursuant to the Settlement Agreement, the parties were required to develop a specific Implementation Plan, which was to be filed by June 2, 2012. In his first Interim Report, filed on February 10, 2012, the Special Master reported on the efforts of the parties to comply with that requirement. On February 28, 2012, the Court issued an order approving and adopting the Special Master's recommendations, including that CDSS and DHCS were to file an "Interim Joint Leadership Plan" by no later than March 6, 2012. They did file that report by the required date. (Dkt.792).

A status conference was conducted on February 17, 2012. Soon thereafter, the Court extended to June 29, 2012 the date for the submission of the Implementation Plan. On April 23, 2012, the Special Master filed an Interim Report - - a very detailed and enlightening one. In it, he concluded that the Negotiation Work group was making satisfactory progress in developing the Plan by the June 29, 2012 deadline.

After receiving that interim report, the Court postponed the status conference that was scheduled to occur on April 30, 2012, pending further developments.

As a result of later communications the Court had with the Special Master in June, the Court authorized Mr. Saletta to postpone the filing of the Interim Plan that was due on June 29, 2012. In an order issued that day - - *i.e.*, on June 29th - - the Court authorized Mr. Saletta to propose a "realistic timetable necessary for him to file a written proposal recommending a Short Term Implementation Plan as to some aspects of the judgment and

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a Long Term Plan as to the remaining ones.” In that order the Court also indicated that a hearing would be held on July 13, 2012. Regrettably, last week the Court was initially informed that the parties had failed to reach agreement on a Short Term Implementation Plan. A few days later, however, Mr. Saletta reported that the impasse had been overcome and as a result, the Court postponed the July 13, 2012 hearing.

The changes and delays in the various dates and schedules discussed above are largely attributable to developments beyond the control of the immediate parties. Those developments include the chronic and ongoing problems the State has encountered in developing a budget, in dealing with its dire fiscal difficulties, and in assuring that the Department of Health Care Services can and will carry out the responsibilities previously shouldered by the Department of Mental Health, a task made more challenging by the fact that several of the hard-working and dedicated individuals who were working for the DMH are no longer part of the ongoing *Katie A* Negotiation Work Group. On top of that, the looming changes contemplated in the Governor’s State-County Realignment Proposal created additional complications. As a result, the Implementation Plan planning process has now been divided into two phases. The first phase encompasses activity that already is in development and slated for completion by the end of 2012. The second phase will address activities that may not even commence in 2012 - - although there is some hope that they will - - but that in any event will extend into 2013 and possibly beyond.

The foregoing recitals are necessary to understand the reasons for the following requirements.

NEW REQUIREMENTS

1. On or before August 28, 2012, the Special Master shall file his next Report and it shall include the Implementation Plan[s] for both Phase I and Phase II.
2. On or before September 7, 2012, the parties shall separately file their respective responses to the Special Master’s August 28th report.
3. The Court will conduct a hearing on September 14, 2012 at 3:00 p.m.
4. On or before December 31, 2012, the DHCS must have completed all steps

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necessary to ensure that Intensive Care Coordination (ICC) and Intensive Home Based Services (IHBS) are available to sub-class members and can be claimed by county Mental Health Plans.

5. The Court will conduct a hearing on December 13, 2012 at 3:00 p.m. at which it will review the status of the Implementation Plans and of the requirements of item 4, above.

The Court is not pleased with the fact that it has been compelled to accept the above-described delays, although it is not in any way faulting the State's honorable lawyers. The Court is mainly concerned about whether the 36 month extension of supervision is realistic and fair. In any event, the parties may respond to this order by not later than July 27, 2012 (although they are not required to).

Initials of Preparer

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