

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

JUL 25 2012

ALAN CARLSON, Clerk of the Court

*L. Brown*  
BY L. BROWN

1 STEPHEN RONFELDT (SBN 41044)  
2 JUDITH Z. GOLD (SBN 97098)  
3 PATTI PRUNHUBER (SBN 277439)  
4 THE PUBLIC INTEREST LAW PROJECT  
5 449 Fifteenth Street, Suite 301  
6 Oakland, California 94612-2038  
7 Telephone: (510) 891-9794 x 127  
8 Facsimile: (510) 891-9727  
9 E-mail: [jgold@pilpca.org](mailto:jgold@pilpca.org)

7 STEPHANIE E. HAFFNER (SBN 194192)  
8 ROBERT D. NEWMAN (SBN 86534)  
9 WESTERN CENTER ON LAW & POVERTY  
10 3701 Wilshire Boulevard, Suite 208  
11 Los Angeles, California 90010  
12 Telephone: (213) 487-7211  
13 Facsimile: (213) 487-0242  
14 E-mail: [shaffner@wclp.org](mailto:shaffner@wclp.org)

15 Attorneys for Plaintiffs EDWIN MANKINEN, et al  
16 (attorneys continued on second page)

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
18 IN AND FOR THE COUNTY OF ORANGE  
19 (Unlimited Jurisdiction)

17 EDWIN MANKINEN, SHARIE LATURNO,  
18 and GEORGE LETTNER, on behalf of  
19 themselves and others similarly situated,

20 Plaintiffs,

21 vs.

22 COUNTY OF ORANGE; BOARD OF  
23 SUPERVISORS OF ORANGE COUNTY;  
24 ORANGE COUNTY SOCIAL SERVICES  
25 AGENCY; MICHAEL RILEY (in his official  
26 capacity as Director of the Orange County  
27 Social Services Agency); and Does 1 through  
28 100,

Defendants.

CASE NO. 30-2012-00582524-CU-MC-CXC  
(filed July 10, 2012; trial date: none set)

ASSIGNED FOR ALL PURPOSES TO:  
Honorable Nancy Wieben Stock  
Department CX-105

[CLASS ACTION]

[PROPOSED] ORDER FOR PRELIMINARY  
APPROVAL OF SETTLEMENT AND  
CONDITIONAL CERTIFICATION OF  
CLASS

Date: July 25, 2012

Time: 8:30 am

LARISA CUMMINGS (SBN 131076)  
SHIRA WAKSCHLAG (SBN 273548)

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
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Jul 19 2012

ALAN CARLSON, Clerk of the Court

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DISABILITY RIGHTS EDUCATION AND  
DEFENSE FUND, INC.  
3075 Adeline Street, Suite 210  
Berkeley, California 94703  
Telephone: (510) 644-2555  
Facsimile: (510) 841-8645  
Email: lcummings@dredf.org; swakschlag@dredf.org

Attorneys for Plaintiffs EDWIN MANKINEN, et al  
**(attorneys continued from first page)**

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**I. Introduction**

Pursuant to California Code of Civil Procedure §382 and California Rule of Court 3.769, Plaintiffs moved without opposition for preliminary approval of the Settlement Agreement and conditional certification of the class. Plaintiffs’ motion was heard at 8:30 a.m. on JULY 25, 2012 in Department CX-105 of the above-captioned Court, Hon. Nancy Wieben Stock presiding.

This Court, having fully considered Plaintiffs’ Motion, the Memorandum of Points and Authorities in support of the same, the Settlement Agreement and Proposed Consent Decree, the declarations in support, the proposed Class Notice, and the argument of counsel, together with the evidence and exhibits submitted in support of the foregoing, HEREBY ORDERS AND MAKES DETERMINATIONS as follows:

**II. Class Certification**

- 1. Plaintiffs’ motion for provisional class certification is GRANTED.
- 2. Pursuant to California Code of Civil Procedure §382 and California Rule of Court

3.769(d), the Court certifies a provisional settlement class (“Class”) which, as defined by the Conditional Settlement Agreement and proposed Consent Decree (collectively, “Settlement”), shall consist of:

All past, present and future applicants for and/or recipients of General Relief (“GR”) from the County Parties during the time period from August 24, 2010 through the end term of the Consent Decree.<sup>1, 2</sup>

- 3. In so certifying, the Court finds the following:
  - A. The Class is ascertainable;
  - B. The Class Members are so numerous as to make it impracticable to join all Class Members as named Plaintiffs in the present action;
  - C. There exist common questions of law and fact including, but not limited to,

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<sup>1</sup> “The County Parties,” alternatively referred to as the “County,” refers collectively to the defendants in this action: the County of Orange (“County”), the Board of Supervisors of the County of Orange (“Board”) and the Orange County Social Services Agency (“SSA”).  
<sup>2</sup> As described below, the Parties have stipulated to a Consent Decree with a term of three years from the date of entry. The “Parties” refers to Plaintiffs and the County.

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the following:

1. Whether the County's GR regulations, guidelines, practices and policies at issue violate Welfare & Institutions Code sections 17000 *et seq.* and applicable case law;
2. Whether the County's GR regulations, guidelines, practices and policies at issue are adequate to provide prompt, humane assistance to indigent persons;
3. Whether the County's GR regulations, guidelines, practices and policies at issue violate Government Code sections 11135 *et seq.*, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act; and
4. Whether the County's GR regulations, guidelines, practices and policies at issue violate the state and federal due process rights of indigent persons.

D. Plaintiffs' claims are typical of the claims of the Class Members;

E. Plaintiffs and Class Counsel will fairly and adequately protect the interest of the Class;

F. Questions of fact and law common to the Class Members predominate over any questions affecting any individual member in the Class; and

G. A class action is superior to alternative methods of adjudicating the present controversy.

4. Named Plaintiffs Edwin Mankinen, Sharie LaTurno, and George Lettner are appointed as Class Representatives.

5. The Public Interest Law Project, Western Center on Law & Poverty, and Disability Rights Education & Defense Fund are appointed as Plaintiffs' Class Counsel.

6. The Public Interest Law Project and Western Center on Law & Poverty are appointed as Lead Class Counsel.

1                   **III. Preliminary Approval of Class Action Settlement**

2                   7. This Court has reviewed the proposed Settlement and finds that it is within the  
3 range of reasonableness for a final settlement that the Court could approve.

4                   8. Plaintiffs' Unopposed Motion for Preliminary Approval of the Settlement is  
5 GRANTED, subject to consideration given at the Final Approval Hearing described below.

6                   **IV. Date and Time Set for Final Approval Hearing**

7                   9. The Court hereby sets a hearing ("Final Approval Hearing") to take place on  
8 Oct. 10, 2012, at 8:30 a.m., in Department CX105 of the Orange County Superior  
9 Court, which date is 70 days from the date of this preliminary approval hearing or as soon  
10 thereafter as the Court's calendar shall allow.

11                   10. At the Final Approval Hearing, the Court will consider whether the Settlement  
12 should be approved as fair, reasonable, and adequate as to Class Members; whether the  
13 Settlement should be given the Court's final approval and an order to that effect, providing final  
14 judgment in this case and adjudicating the rights of Class Members should issue; whether  
15 attorneys' fees and costs should be awarded to Class Counsel, and if so, in what amount; and any  
16 other such matters as the Court should deem necessary.

17                   11. After the Final Approval Hearing, the Court may issue a Final Approval Order  
18 that approves the Settlement, adjudicates the claims of the Class, and provides for final judgment  
19 in the present controversy.

20                   12. The Final Approval Hearing may be postponed, adjourned, or continued by order  
21 of this Court without further notice to the Class beyond that which is provided for below.

22                   **V. Approval of Class Notice and Setting of Deadlines**

23                   13. The Court finds that the proposed Class Notice, attached hereto as Exhibit A,  
24 fairly and adequately describes the terms of the proposed Settlement to Class Members.

25                   14. The Court approves the Class Notice as to form and content. Specifically, the  
26 Court is satisfied that the Class Notice describes the nature of the litigation; the scope of the  
27 Class; the terms of the proposed Settlement; the scope and effect of the Release of claims; Class  
28 Counsel's proposed fee and cost application; the process by which a Class Member may elect not

1 to participate in the Settlement, as well as the consequences for so choosing, the date, time and  
2 location of the Final Approval hearing; and the process by which a Class Member may timely  
3 object to the proposed Settlement.

4 15. The Court finds that the Notice fulfills the class action notice requirements of  
5 neutrality, completeness, and fairness.

6 16. The Court finds that the Class Notice and proposed distribution of such Notice in  
7 the Settlement Agreement, paragraph 9, satisfies the requirements of Code of Civil Procedure  
8 §382, California Rule of Court, and due process. The County shall distribute the Class Notice  
9 by: (1) posting the Class Notice and proposed Settlement at all Social Services Agency (SSA)  
10 intake centers; (2) distributing a press release to print and broadcast media regarding the  
11 proposed Settlement and its terms, including contact information for Lead Class Counsel; (3)  
12 sending the Class Notice and proposed Settlement, by e-mail to non-profit community  
13 organizations in Orange County with whom SSA regularly coordinates in delivering services to  
14 public assistance recipients, for sharing by those organizations with their clients and members of  
15 the public; (4) mailing the Class Notice to individual Class Members who have applied for  
16 and/or received General Relief benefits from August 24, 2010 through the date of the Court's  
17 preliminary approval of the proposed Settlement at their last known effective contact address on  
18 file for General Relief and, if applicable, for Food Stamps (CalFresh); and (5) mailing or hand-  
19 delivering the Class Notice to individual Class Members who apply for General Relief. The  
20 Class Notice and proposed Settlement will be disseminated in English, Spanish and Vietnamese  
21 (with the Spanish and Vietnamese translations to include the proposed Settlement and Consent  
22 Decree exclusive of their respective exhibits).

23  
24 17. **Objections:** The Court finds that the minimum 35 day period for filing and  
25 service of a written objection to the proposed Settlement by Class Members following the initial  
26 mailing of the Class Notice fulfills due process requirements and the requirements of California  
27 code of Civil Procedure §382 and California Rule of Court 3.769.

28 A. To file an objection, a potential Class Member must serve on Class Counsel  
and Counsel for the County, and file with this Court, within fourteen (14)

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days<sup>3</sup> before the Final Fairness Hearing, a written objection to the proposed Settlement.

B. Upon the proper filing and service of such an objection, the objecting potential Class Member may appear at the Final Fairness Hearing and be heard as to any reason why the proposed Settlement should not be granted final approval.

C. Unless he or she shows good cause as determined by this Court, a potential Class Member who does not file and serve a written objection in the manner and by the deadline specified will be deemed to have waived any objection and will be foreclosed from making any objections to the proposed Settlement, whether by appeal or otherwise.

18. **Election Not to Participate in Settlement:** The Court finds that the minimum 35 day period for submission of written notification of an election not to participate in the Settlement fulfills due process requirements and the requirements of California Code of Civil Procedure §382 and California Rule of Court 3.769.

A. To be valid, a written request not to participate in the Settlement must include the Class Member’s name and signature and recite the following language:

“I understand that, by this request to be excluded from the Settlement in this Action, I am foregoing all procedural, monetary and other benefits from this Settlement and will receive nothing directly from this Settlement. I understand that I may bring a separate legal action, but I understand that I might receive nothing or less than what I would have received if I had not elected to be excluded from the Settlement.”

B. A written request not to participate in the Settlement will be deemed timely submitted to Class Counsel if it is mailed or personally delivered to Class Counsel by fourteen (14) days before the Final Fairness Hearing.

C. A potential Class Member who does not properly and timely submit a request not to participate in the Settlement in the manner and by the deadline specified

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<sup>3</sup> Unless otherwise specified in this Order, “days” refers to calendar days.

1 above will automatically become a Class Member and be bound by all terms  
2 and conditions of the Settlement, including its Release of Claims, if the  
3 Settlement is granted final approval by this Court, and will be bound by the  
4 Final Approval Order, regardless of whether he or she has objected to the  
5 Settlement.

6 D. A potential Class Member who properly and timely submits a request not to  
7 participate in the Settlement will not be bound by the Settlement, and will  
8 remain free to contest any claim brought by the Plaintiffs that would have  
9 been barred by the Settlement, and nothing in the Settlement, should it gain  
10 final approval, will constitute or be construed as a waiver of any defense the  
11 County has or could assert against such a claim.

12 E. Unless good cause is found by the Court, no written request not to participate  
13 in the Settlement will be honored if submitted past the deadline of fourteen  
14 (14) days prior to the Final Fairness Hearing.

15 19. In accordance with the foregoing, the Court now adopts the following dates and  
16 deadlines for Class Notice, the Final Approval Hearing, and related matters:  
17

18 A. Class Notice and proposed Settlement shall be made available at SSA intake centers and  
19 posted on SSA's website: From August 13, 2012 [~~10 days after the date of this~~  
20 ~~Order~~] to September 19, 2012 [~~21 days before the Final Fairness Hearing~~]

21  
22 B. Press release to print and broadcast media regarding the proposed Settlement and its  
23 terms: August 13, 2012 [~~10 days after the date of this Order~~]

24  
25 C. Class Notice and proposed Settlement shall be e-mailed to non-profit community  
26 organizations in Orange County with whom SSA regularly coordinates in delivering  
27 services for GR applicants and recipients, for posting and sharing by those organizations  
28 with their clients and the public: August 13, 2012 [~~10 days after the date of this~~



1 Order]

2  
3 D. Class Notice shall be mailed to Class Members August 22, 2012 [~~21 days after the~~  
4 date of this Order]

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7 E. Class Notice shall be hand delivered or mailed to persons who apply for General Relief  
8 from August 2, 2012 [~~the day after the date of this Order~~] to  
9 September 19, 2012 [~~21 days before the Final Fairness Hearing~~]

10  
11 F. Last day for Plaintiffs' Counsel to file and serve Motion for Final Approval:  
12 September 19, 2012 [~~21 days before the Final Fairness Hearing~~]

13  
14 G. Last day for Class Members to opt out or object to the proposed Settlement:  
15 September 26, 2012 [~~14 days before the Final Fairness Hearing~~]

16  
17 H. Date by which the County may give notice to rescind the Settlement if more than 100  
18 Class Members request to opt out:  
19 October 3, 2012 [~~7 days before the Final Fairness Hearing~~]

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22 I. Date by which to file papers in support of final Settlement approval and attorneys' fees  
23 and costs: October 3, 2012 [~~7 days before the Final Fairness Hearing~~]

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25 J. Date of Final Fairness Hearing: October 10, 2012 <sup>8:30 AM</sup> [~~70 days from the date of~~  
26 this Order or as soon thereafter as the Court's calendar will allow]

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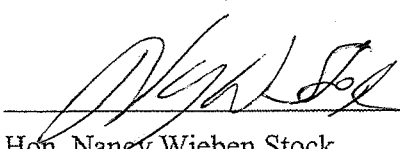
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**VI. Statement of Continuing Jurisdiction**

20. The Court retains jurisdiction to consider any and all further applications arising out of or connected to the proposed Settlement. If appropriate, the Court may approve the Settlement with such modifications as may be agreed to by the Parties without further notice to the Settlement Class.

**IT IS SO ORDERED.**

Dated: 7/25, 2012

  
\_\_\_\_\_  
Hon. Nancy Wieben Stock  
Judge of the Orange County Superior Court