

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA

DIANE RIDGELY; JUDY STURCKEN;  
DAVID BELLINGER; and TAMICA  
DICKSON, on Behalf of Themselves and  
All Others Similarly Situated,

Plaintiffs,

v.

FEDERAL EMERGENCY  
MANAGEMENT AGENCY; UNITED  
STATES DEPARTMENT OF  
HOMELAND SECURITY; MICHAEL  
CHERTOFF, Secretary of Department of  
Homeland Security; R. DAVID  
PAULISON, Administrator of the Federal  
Emergency Management Agency; and  
their successors in office,

Defendants.

Civil Action No. 07-2146

C 4  
Section "K" (X)

~~Hon. Stanwood R. Duval, Jr.~~

~~Magistrate Judge Daniel E. Knowles, III~~

**ORDER**

This Court has considered the Plaintiffs' Motion for Preliminary Injunction, the Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction and the Declarations attached thereto, and the applicable arguments of Plaintiffs' counsel that (1) there is a likelihood that plaintiffs will prevail on the merits of their claims, (2) the plaintiffs will suffer irreparable harm if the preliminary injunction is not granted, (3) the

threatened harm to plaintiffs if preliminary relief is not granted outweighs any harm the preliminary injunction may cause defendants, and (4) granting the preliminary injunction will not disserve the public interest.

The Court finds that plaintiffs have satisfied the requirements of Rule 65(a) of the Federal Rules of Civil Procedure. It is hereby **ORDERED** that Plaintiffs' Motion for a Preliminary Injunction is GRANTED. Defendants FEMA, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, MICHAEL CHERTOFF, AND R. DAVID PAULISON, their agents and all persons acting under their direction, are hereby ENJOINED, until further order of the Court, from:

1. Terminating or discontinuing Section 408 assistance to any Section 408 class member without providing the class member with advance written notice of the reason(s) for the termination or discontinuance;
2. Terminating or discontinuing Section 408 assistance to any Section 408 class member prior to issuance of a written decision on the class member's appeal of FEMA's decision to terminate or discontinue assistance;
3. Failing to provide written notice to any Section 408 class member with an appeal pending regarding the termination of their Section 408 assistance that they may have their assistance reinstated upon request, until FEMA has provided them with adequate written notice of the reason(s) for termination, an opportunity for a hearing, and a decision on their appeal;
4. Failing to reinstate Section 408 assistance to any Section 408 class member whose appeal of the termination or discontinuance of assistance is currently pending and who requests reinstatement, until such time as FEMA has provided the class member with adequate written notice of the reason(s) for termination, an opportunity for a hearing, and a written decision on their appeal;
5. Failing to provide any sub-class member with adequate written notice of the basis for any demand for repayment of disaster relief assistance, and their rights related thereto--including the availability of hardship waivers or the opportunity to request compromise of alleged debts arising from overpayments;

6. Withholding or terminating Section 408 assistance to effect recoupment of an overpayment prior to issuance of adequate advance written notice of the basis for any claim for recovery of assistance from Section 408 Assistance payments, and their rights related thereto--including the availability of hardship waivers or the opportunity to request compromise of alleged debts arising from overpayments;
7. Terminating, discontinuing, or withholding Section 408 assistance to any sub-class member prior to providing an opportunity for a hearing, and a written determination on any appeal regarding the alleged overpayment and/or withholding of assistance to recoup the alleged overpayment;
8. Continuing collection of any overpayment, and all efforts to collect overpayments, through any means, including the withholding of FEMA assistance, until FEMA provides the affected sub-class member with adequate written notice of the basis for the demand of repayment and the individual's rights with respect to the overpayment demand, and provides an opportunity for a hearing, including a pre-termination hearing in the case of an action to recover an overpayment by withholding continuing section 408 Assistance;
9. Failing to provide written notice to any class member of the sub-class whose 408 assistance is being withheld due to an alleged overpayment that they have may have their 408 assistance reinstated upon request, until FEMA has provided them with adequate written notice of the basis for the alleged overpayment, an opportunity for a hearing, and a decision on a pending appeal, if any;
10. Failing to reinstate Section 408 assistance to any sub-class member whose appeal of the withholding of 408 assistance is currently pending and who requests reinstatement, until such time as FEMA has provided the class member with adequate written notice of the basis for the demand of repayment and the individual's rights with respect to the overpayment demand, an opportunity for a hearing, and a decision on any appeal.

Signed this 13th day of June, 2007 in New Orleans, Louisiana.

  
United States District Judge

---