

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916)445-2077



July 16, 1990

ALL COUNTY LETTER NO. 90-64

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: STEPHANIE PRATT, ET. AL. VS. GEORGE DEUKMEJIAN,
GOVERNOR; THOMAS HAYES, TREASURER; GRAY DAVIS,
CONTROLLER; AND LINDA McMAHON, DIRECTOR OF THE
CALIFORNIA DEPARTMENT OF PUBLIC SOCIAL SERVICES

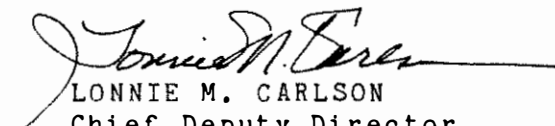
Reference is made to the above indicated lawsuit. Enclosed is a copy of the District Court's ORDER GRANTING TEMPORARY RESTRAINING ORDER AND CERTIFYING CASE AS A CLASS ACTION.

Unless the current budget impasse is resolved by July 27, 1990, please note that the State of California will be in Federal District Court that date arguing its legal position that it does not have the authority to make such AFDC payments due to the fact that, among other things, there is no adopted budget.

Please note that said enclosed ORDER contains a ten day mailing written notice requirement for the termination or reduction of AFDC benefits. Accordingly, this communication is being sent to each of the State's county welfare directors.

You are hereby notified that if the State of California is successful at the July 27 hearing and the Temporary Restraining Order is dissolved, then pursuant to Welfare and Institutions Code Section 11207 counties still remain responsible for making said full AFDC payments.

If you should have any questions, please contact me at (916) 445-2077.


LONNIE M. CARLSON
Chief Deputy Director

Enclosure

ORIGINAL

FILE

NO. 13 393

DEPUTY CLERK

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10 ROBERT D. NEWMAN, #86534
 11 Western Center on Law and Poverty, Inc.
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 12 Los Angeles, California 90020
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Attorneys for Plaintiffs (continued on next page)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

17 STEPHANIE PRATT; JO LYNN)
 18 GREY; GLORIA EDDY; and LISA)
 ADAMS; on behalf of themselves and)
 19 all other similarly situated,)
 20 Plaintiffs,)

NO. CIV-S-90-0896 RAR/JE
 ORDER GRANTING TEMPORARY
 RESTRAINING ORDER AND
 CERTIFYING CASE AS A
 CLASS ACTION

21 -vs-

22 GEORGE DEUKMEJIAN, Governor;)
 THOMAS HAYES, Treasurer;)
 23 GRAY DAVIS, Controller; and)
 LINDA McMAHON, Director of)
 24 the California Department of)
 Public Social Services,)
 25 Defendants.)
 26

1 CASEY McKEEVER, #73412
Western Center on Law and Poverty, Inc.
2 2000 "O" Street, Suite 240
Sacramento, California 95814
3 (916) 442-0753

4 Attorneys for Plaintiffs

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1 Plaintiffs having moved for a Temporary Restraining Order
2 pursuant to Rule 65 of the Federal Rules of Civil Procedure and
3 Class Certification pursuant to Rule 23 of the Federal Rules of
4 Civil Procedure, and the Court having considered said Motions, the
5 Complaint, Memoranda of Points and Authorities, Declarations and
6 Exhibits filed in Support thereof, and having heard the arguments
7 of counsel and the Court finding that: (a) there is a substantial
8 likelihood that plaintiffs will prevail on the merits of this
9 action, (b) absent a Temporary Restraining Order, the individual
10 plaintiffs and numerous other similarly situated recipients of Aid
11 to Families with Dependent Children ("AFDC") in California will
12 suffer immediate and irreparable harm as a result of defendants'
13 suspension of all AFDC benefit payments pending enactment by the
14 California State Legislature of a budget for the current fiscal
15 year and defendants' termination of such AFDC benefits for some
16 recipients without timely advance notice, and (c) this case satisfies
17 the requirements for class certification under Rule 23 of the Federal
18 Rules of Civil Procedure.

19 IT IS HEREBY ORDERED that this case shall be certified as a
20 class action on behalf of all persons in California who are or will
21 be eligible for assistance from the AFDC program from July 15, 1990
22 on, but who are not or will not be receiving the assistance due
23 them in a timely manner because defendants are not disbursing the
24 necessary funds to the counties for the AFDC program due to the current
25 budget impasse.

26 IT IS FURTHER ORDERED that plaintiffs need not give notice of
27 the pendency of this action pending a final judgment.

1 IT IS FURTHER ORDERED, pending a further decision by this
2 Court on the merits of this action, defendants, their successors
3 in office, agents, employees and assignees, and all persons acting
4 in concert therewith: (a) shall refrain from withholding and cause
5 to be promptly disbursed any and all AFDC benefits which are
6 currently due or which become due to plaintiffs and members of the
7 class at any time from the start of the current fiscal year; (b)
8 shall refrain from withholding and cause to be promptly disbursed the
9 federal and state monies necessary for the operation and
10 administration of the AFDC program at any time from the start of the
11 current fiscal year; and (c) shall refrain from terminating or reducing
12 AFDC benefits without first mailing written notice of such adverse
13 action to affected recipient at least ten days beforehand.

14 A hearing shall be held on plaintiffs' Motion for a
15 Preliminary Injunction on Friday, July 27, 1990, at 11:00 a.m., in
16 Courtroom 2. Defendants' Opposition to Plaintiffs' Motion shall
17 be filed and served by the close of business on Thursday, July 19,
18 1990. Plaintiffs' Reply to Defendants' Opposition shall be filed
19 and served by the close of business on Tuesday, July 24, 1990. No
20 security shall be required for the entry of this Order.

21 Defendants may apply to the Court for modification or
22 dissolution of this temporary restraining order on two court days
23 notice by personal service or such other notice as the Court may
24 allow. JUL 13 1990

25 Issued this _____ day of July, 1990.

26 EDWARD J. GARCIA

27 UNITED STATES DISTRICT COURT