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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

KATIE A., et al., Plaintiffs, **v.** **TOBY DOUGLAS,** Director of the California Department of Health Care Services; et al., Defendants.	Case No. CV-02-05662 AHM (SHx) **STATE DEFENDANTS' RESPONSE TO SPECIAL MASTER'S SUPPLEMENTAL PROGRESS REPORT FILED MARCH 1, 2013** Status Conf: March 13, 2013 Time: 3:00 p.m. Courtroom: 14 Judge: Hon. A. Howard Matz

State Defendants, Toby Douglas, Director of the California Department of Health Care Services, and Will Lightbourne, Director of the California Department of Social Services, ("State Defendants") hereby file their response to the Special Master's Supplemental Progress Report on the Implementation of the Katie A. Plan filed March 1, 2013.

State Defendants request a modification of Recommendation No. 3 of the Special Master's Supplemental Report, (ECF 839, p. 19), to replace the word "monitor" with the phrase "provide further direction and guidance, as necessary to."

The suggested replacement language more accurately reflects the intention of the parties and Special Master, and is consistent with and taken verbatim from the language of the previously court approved Implementation Plan.

The Introduction to the Katie A. Implementation Plan, Phase Two, dated November 21, 2012, and submitted to the Court as Exhibit 2 to the Special Master's Report on Progress Toward Completion of the Katie A. Implementation Plan filed November 29, 2012, states in relevant part:

> Following the submission of the complete Implementation Plan to the Court in December of 2012, the Negotiation Workgroup will convene no less frequently than once every quarter for the remainder of the jurisdictional period to *provide further direction and guidance*, as necessary, to the Implementation Plan activities.

(EFC No. 828-1, p. 10, lines 17-20, (emphasis added).)

Recommendation No. 3 of the Special Master's March 1, 2013 Supplemental Progress Report states:

> Direct the Special Master to Re-cast and Charter the Negotiation Workgroup by April 19, 2013, to support and monitor the State in it's the [sic] implementation of the Katie A. Agreement and Plan.

(ECF No. 839, p.19, lines 5-7.)

As can be seen from the above different language, the term "monitoring" is not equivalent to or consistent with the relevant language of the approved Implementation Plan. If the parties and the Special Master wish to change the language, State Defendants recommend the proposed changes should be made through the process recommended by the Special Master and approved by the Court in Recommendation 4 of the Special Master's Progress Report dated and filed November 29, 2012. (ECF No. 828, p.31, lines 7-15.)

For the all of the above stated reasons, State Defendants request the Court issue appropriate orders to approve the recommendations of the Special Master as supplemented by comments herein.

Dated: March 11, 2013

Respectfully submitted,

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/s/ ERNEST MARTINEZ
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CERTIFICATE OF SERVICE

Case Name: **KATIE A., et al. v. BONTA, et al.** No. **CV-02-05662 AHM (SHx)**

I hereby certify that on March 11, 2013, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STATE DEFENDANTS' RESPONSE TO SPECIAL MASTER'S SUPPLEMENTAL PROGRESS REPORT FILED MARCH 1, 2013

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. On March 11, 2013, I have mailed the foregoing document by First-Class U.S. mail, postage prepaid, for delivery within three (3) calendar days to the following non-CM/ECF participants:

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Oakland, CA 94612-2701

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 11, 2013, at Los Angeles, California.

M. Chacon	/s/M. Chacon
Declarant	Signature

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