



LITIGATION DOCKET  
December 2022

**Abney v. DHCS**

**Denial of health care based on income never received**

<u>Issue</u>	<u>Adverse Party</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HEALTH</b>	State	State	Northern CA	San Francisco	Medi-Cal beneficiaries with garnished income
<i>Summary</i>	DHCS made Medi-Cal unaffordable to Debra Abney when it counted as her income money she never received: retirement benefits garnished to pay a tax debt. This violated Medi-Cal regulations permitting counting of income only when actually available to a recipient to meet current needs.				
<i>Filed</i>	2020				
<i>Current Status</i>	Trial court denied petition, Ms. Abney has filed notice of appeal, and opening brief has been filed..				
<i>Co-Counsel</i>	Bay Area Legal Aid				

**ACCE Action v. HCD**

**Due process violations in rental assistance program**

<u>Issue</u>	<u>Adverse Party</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HOUSING</b>	State	State	Northern CA	Alameda	Tenants statewide seeking rental assistance
<i>Summary</i>	The Department of Housing and Community Development is violating the due process clause of the California Constitution by denying COVID-related rental assistance with notices that do not explain the basis for denial and refusing to give tenants access to the documents relied on for denials.				
<i>Filed</i>	2022				
<i>Current Status</i>	Preliminary injunction issued July 2022. HCD moved to dissolve the injunction, but the trial court denied the motion. HCD has filed petition for extraordinary relief in the Court of Appeal, and we have filed preliminary opposition...				
<i>Co-Counsel</i>	Public Counsel, Legal Aid Foundation of Los Angeles, Covington & Burling				

**The Apartment Association of Greater Los Angeles v. City of Los Angeles**

**Protecting LA eviction COVID-19 eviction moratorium**

<u>Issue</u>	<u>Adverse Party</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HOUSING</b>	Other	Federal	Southern CA	Los Angeles	Thousands of LA tenants facing eviction because of loss of income during pandemic
<i>Summary</i>	LA enacted ordinances prohibiting evictions for non-payment of rent related to COVID-19; freezing rents for a year; and prohibiting evictions and threats of evictions for certain other grounds. AAGLA sued in federal court.				
<i>Filed</i>	2020				
<i>Current Status</i>	Tenant rights organizations filed a motion to intervene, which the court granted. The district court denied AAGLA's motion for preliminary injunction and the Ninth Circuit affirmed. The Supreme Court denied AAGLA's petition for a writ of certiorari.				
<i>Co-Counsel</i>	Public Counsel; Public Interest Law Project, Susman Godfrey				

**Banda v. County of San Bernardino**

**Illegal barriers to receiving subsistence benefits**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>PUBLIC BENEFITS</b>	County	State	Southern CA	San Bernardino	General Relief applicants in San Bernardino County
<i>Summary</i>	San Bernardino County has erected so many barriers to access its General Relief program that as of January 2020 there were fewer than 200 GR recipients in the county. This lawsuit challenges many of the illegal barriers.				
<i>Filed</i>	2019				
<i>Current Status</i>	During the course of the litigation, the County raised grants and took many of the actions demanded in the complaint. The parties have now settled, with the County agreeing to raise grants by more than 50% over the next five years. Fees have also been settled and paid, but the case remains open for monitoring.				
<i>Co-Counsel</i>	Inland Counties Legal Services; Public Interest Law Project				

**Black Parallel School Board v. Sacramento City Unified School District**

**Segregating and punishing black students with disabilities**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>ACCESS TO JUSTICE</b>	Other	Federal	Northern CA	Sacramento	Black students and all students with disabilities in Sacramento
<i>Summary</i>	The Sacramento City Unified School District has effectively segregated students with disabilities, particularly Black students; and disproportionately punishes Black students, particularly those with disabilities. This violates state and federal law.				
<i>Filed</i>	2019				
<i>Current Status</i>	Suit filed and structured settlement negotiations ongoing. District has already agreed to important changes.				
<i>Co-Counsel</i>	Equal Justice Society; National Center for Youth Law; Disability Rights California				

***Etter v. Board of Supervisors for L.A. County***

**Enforcement of County’s obligation to provide medical services to indigent residents.**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HEALTH</b>	County	State	Southern CA	Los Angeles	Indigent LA County residents
<i>Summary</i>	This class action enforced the County’s obligation under Welfare and Institutions Code section 17000 to provide medical care to indigent county residents commensurate with the person’s ability to pay and to affirmatively advise patients of the availability of care based on ability to pay.  In July 1987, judgment was entered pursuant to a stipulated consent decree between the parties regarding the county’s Ability to Pay (ATP) program that, in part, required the County to provide notice to plaintiffs’ counsel of proposed policy changes to ATP. The consent decree was modified by the parties in 2000 to create the Outpatient Reduced-Cost Simplified Application (ORSA).				
<i>Filed</i>	1985				
<i>Current Status</i>	Monitoring work ongoing.				
<i>Co-Counsel</i>	Pre-1996, co-counsel had been NLS-LA (formerly San Fernando Valley Neighborhood Legal Services); LAFLA; ACLU and NHeLP. Dating back to at least 2011, WCLP has been the only remaining plaintiff’s counsel engaged in monitoring the county’s compliance with the permanent injunction.				

***Freeman v. County of Riverside***

**Stopping collection from parents illegally forced to pay juvenile court fees**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>ACCESS TO JUSTICE</b>	County Other	State	Southern CA	Riverside	Low-income parents of institutionalized minors

<i>Summary</i>	Western Center-sponsored SB 90 prohibits counties from continuing to assess parents for the costs of support for their children locked up in juvenile facilities. But the legislation did not address debt collection, and some counties, including Riverside, continued to seek collection against parents. Riverside’s practice was illegal because it did not consider ability to pay and the County did not secure necessary court orders.
<i>Filed</i>	2020
<i>Current Status</i>	After pre-litigation claim filed, Riverside stopped collection efforts. Remaining issue is whether the County may be forced to reimburse parents for previous collections. Complaint was amended, County sought dismissal, and court allowed most of the complaint to proceed. The court granted plaintiffs’ motion for class certification, after which the parties settled for a payment fund for affected parents plus attorneys’ fees. The parties have moved for preliminary approval of the settlement...
<i>Co-Counsel</i>	National Center for Youth Law

**Grupo Comunitario v. Harmony Communities**

**Illegal closure and planned conversion of mobilehome park**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HOUSING</b>	Other	State	Southern CA	Fresno	Low-income mobilehome owners

<i>Summary</i>	After taking over a mobilehome park lived in by a largely Mixteco community, a park owner raised rents by 50% and began threatening evictions for drying clothes outside, locking gates at night, and similar purported violations of park rules. These actions violate the Mobilehome Residency Law and other statutes.
<i>Filed</i>	2019
<i>Current Status</i>	Court denied preliminary injunction against retaliatory rent increases and other harassing actions. Court also overruled demurrer and denied motion to strike; discovery ongoing.
<i>Co-Counsel</i>	California Rural Legal Assistance; Morrison & Forester

**Guardianship of Espinoza**

**Right to counsel in guardianship cases**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
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<b>ACCESS TO JUSTICE</b>	Other	State	Southern CA	Los Angeles	Low-income parents faced with loss of parental rights in guardianship proceedings
<i>Summary</i>	Guardianship proceedings, often called a hidden foster care system, can result in parents permanently losing custody over their children. Felipe Espinoza, who was tricked into agreeing to guardianship as a result of County child welfare involvement, seeks appointment of counsel to object to continued guardianship.				
<i>Filed</i>	2022				
<i>Current Status</i>	A Probate Court judge denied appointment of counsel. Mr. Espinoza then filed a writ petition in the Court of Appeal, which was summarily denied. Mr. Espinoza filed a Petition for Review in the California Supreme Court, which the Court denied, stating it was without prejudice to re-raising the issue on direct appeal..				
<i>Co-Counsel</i>	Public Counsel; Robert Jacobs Law; Ellis George Cipollone O'Brien Annaguey; Greenberg Gross; Skiermont Derby				

**Hepner v. County of Santa Clara**

**Suit to require hospitals to offer discount and charity pricing**

<i>Issue</i>	<i>Defendant</i>	<i>Court</i>	<i>Location</i>	<i>County</i>	<i>Who Benefits</i>
<b>HEALTH</b>	County	State	Northern CA	Santa Clara	Low income hospital patients in Santa Clara County

<i>Summary</i>	The Hospital Fair Pricing Policies Act requires hospital to limit charges to patients under 350% of the poverty line to the amount that the hospital would receive from government programs such as Medi-Cal. A county hospital has violated that statute by over-charging petitioners and others, without notifying them of their potential eligibility for charity care.				
<i>Filed</i>	2019 (Western Center associated in 2021)				
<i>Current Status</i>	Discovery and settlement negotiations ongoing.				
<i>Co-Counsel</i>	Consumer Law Center, Inc.				

**Hunger Action Los Angeles v. County of Los Angeles**

**Suit to require county to timely provide emergency food aid**

<i>Issue</i>	<i>Defendant</i>	<i>Court</i>	<i>Location</i>	<i>County</i>	<i>Who Benefits</i>
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<b>PUBLIC BENEFITS</b>	County	State	Southern CA	Los Angeles	Very low income applicants for emergency food aid in LA County
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<i>Summary</i>	LA County is violating state law, which requires that emergency CalFresh (formerly food stamps) benefits be provided within three days for applicants who are extremely low income and resources or cannot meet their monthly housing expense. During the Summer of 2021, more than half of all applicants were forced to wait beyond the three-day deadline for the County to provide benefits.
<i>Filed</i>	2021
<i>Current Status</i>	The County agreed to a stipulated permanent injunction. Plaintiffs have moved to enforce the injunction. Meanwhile, settlement negotiations on attorneys' fees have begun.
<i>Co-Counsel</i>	Neighborhood Legal Services of Los Angeles County; Public Interest Law Project; Sidley Austin.

**Huntington Beach v. State of California**

**Intervention to protect affordable housing legislation**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HOUSING</b>	City	State	Southern CA	Los Angeles	Low-income tenants statewide

<i>Summary</i>	After Western Center-sponsored legislation made affordable housing protections applicable to charter cities, Huntington Beach sued, arguing this was a violation of charter cities' rights to home rule on local issues.
<i>Filed</i>	2019
<i>Current Status</i>	The trial court granted our motion to intervene on behalf of two advocacy groups. Following briefing and argument, court ruled in our favor, upholding the legislation. The court also denied the City's motion to strike our costs memorandum. The court awarded attorneys' fees to one set of intervenors, but denied fees to the intervenors we represent. The City has appealed and we have cross-appealed. Briefing has begun.
<i>Co-Counsel</i>	CRLA Foundation

**Katie A. v. Bonta**

**Mental health services for foster care children**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
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**HEALTH**      State      Federal      Southern CA      Los Angeles      Foster care children in California

<i>Summary</i>	<p>This class action was filed in 2001 in federal court against State officials and Los Angeles County challenging the lack of mental health treatment outside of institutions afforded to foster children under the Medi-Cal program. Plaintiffs settled with the County, though monitoring the settlement is ongoing. The parties agreed on conditions for exit from agreement.</p>
<i>Filed</i>	<p>2001</p> <p>The parties reached a settlement agreement, which was approved December 5, 2011. Agreement includes \$3.75 million in attorneys' fees for all counsel. Fees have been paid in full.</p>
<i>Current Status</i>	<p>While the court no longer has jurisdiction over the case against the state, implementation work remains on LA County issues. The County announced plans to seek an end to court jurisdiction. The District Court rejected the County's attempt to unilaterally fire the outside panel of experts which has been overseeing County compliance, but the County then filed a Rule 60(b) motion to end jurisdiction.</p>
<i>Co-Counsel</i>	<p>Tentative settlement was reached after mediation, including attorneys' fees. The district court preliminarily approved the settlement, and a hearing was held December 5, 2022 on final approval. The court took the matter under submission...</p> <p>Bazelon Center for Mental Health Law, Public Counsel, National Health Law Program</p>

**La Clinica v. Trump**

**Punishing immigrants for receiving government assistance**

Issue      Defendant      Court      Location      County      Who Benefits

**PUBLIC BENEFITS HEALTH**

Federal Federal Northern CA San Francisco Immigrants who receive any government aid

<i>Summary</i>	Federal statutes permit the government to deny immigrants the right to change immigration status if they are “public charges.” For many decades, this has been interpreted only to exclude people totally reliant on government aid. The Administration enacted a new regulation punishing immigrants who, for any of three out of 36 months, have used any means-tested government assistance, including Medicaid and Section 8 housing.
<i>Filed</i>	2019
<i>Current Status</i>	District court in related lawsuits brought by cities and State of California, issued preliminary injunction that has since been stayed by the Ninth Circuit. In our case, the court denied relief on the ground that the non-profit organizations we represent are not in the “zone of interest” under the APA. Government motion to dismiss granted in part and denied in part. Public charge rules has been rescinded, but case has not been dismissed because of attempts by Texas and other states to intervene in litigation elsewhere and resurrect the rule.
<i>Co-Counsel</i>	National Immigration Law Center; National Health Law Program; Munger, Tolles & Olson

**Legal Aid Society of San Mateo County v. Department of Finance**

**Refusal to honor contract to fund affordable housing**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HOUSING</b>	State	State	Northern CA	Sacramento	Low income Redwood residents and possibly low income people throughout State
<i>Summary</i>	Legal Aid Society reached agreement with city to fund affordable housing as required by redevelopment statute. With dissolution of redevelopment agencies, only recognized obligations may be funded. Department of Finance refuses to recognize agreement as enforceable.				
<i>Filed</i>	2013				
<i>Current Status</i>	Suit filed against Department of Finance to require recognition of agreement as enforceable. After briefing and argument, court ruled against Legal Aid Society, which appealed. Five years after briefing was completed, Court of Appeal ruled in our favor in a published opinion. The trial court awarded attorneys’ fees and the Department of Finance appealed. The parties then settled in mediation, and payment was made. This case will not appear on the next Docket..				
<i>Co-Counsel</i>	Public Interest Law Project				

**Padres Buscando el Cambio v. Harbor Regional Center**

**Challenge to racial discrimination in provision of regional center services**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
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<b>HEALTH</b>	Other, State	State	Southern CA	LA	Latinx families needing regional center services
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<i>Summary</i>	Harbor Regional Center spends far less money on services for Latinx individuals with developmental disabilities than for white individuals, and engages in discriminatory practices. This violates statutes prohibiting racial discrimination in the provision of government-funded services.
<i>Filed</i>	2021
<i>Current Status</i>	Suit filed and discovery ongoing. The trial court has overruled demurrers by both sets of defendants. The litigation has been stayed pending settlement negotiations.
<i>Co-Counsel</i>	Disability Rights California; Akin Gump.

**Rivera v. Douglas**

**Relief for Medi-Cal applicants caught in backlog**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HEALTH</b>	State	State	Northern CA	Alameda	All Medi-Cal applicants

<i>Summary</i>	Hundreds of thousands of Medi-Cal applicants were caught in a backlog when this suit was filed, waiting weeks or months after the state law 45-day deadline to decide applications.
<i>Filed</i>	2014
<i>Current Status</i>	Backlog has been reduced and in response to preliminary injunction motion State has adopted procedures providing services to many applicants pending application determinations.  The trial court issued a writ on the main issues and entered judgment for petitioners. The Court of Appeal reversed on June 27, 2019, but the Supreme Court granted review on October 9. After briefing was completed, Supreme Court, on July 8 issued an order transferring the matter back to the Court of Appeal in light of the Department's concession on the two issues presented. Favorable settlement was reached, fees have been paid, and final judgment entered. Case will remain open for monitoring.
<i>Co-Counsel</i>	Bay Area Legal Aid; Central CA Legal Services; Multiforum Advocacy Solutions; Neighborhood Legal Services; NHeLP

**Rogel v. City of Lynwood**

**Affordable housing; attorneys' fee claim**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
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**HOUSING**      City      State      Southern CA      Los Angeles      Low Income tenants in Lynwood

*Summary* | Plaintiffs won a major affordable housing settlement against the Lynwood Redevelopment Agency and then moved for attorneys’ fees. The trial court (Los Angeles Superior Court) granted the motion, and then reduced the fees by 80% because of its view that in light of the Agency’s limited resources the money could better be spent in Lynwood. The reduction was also based in part on the pro bono representation of plaintiffs and some garden variety criticisms of the hours claimed.

*Filed* | 2010

*Current Status* | The Court of Appeal reversed in a published opinion. Plaintiffs’ counsel are also actively monitoring implementation of the settlement agreement, with regular court appearances. There was final judgment on the merits and parties reached agreement on fees. But Department of Finance refused to recognize payment of fees as an enforceable obligation of the defendant Redevelopment Agency, which triggered separate litigation. See *Rogel v. Department of Finance* below.

*Co-Counsel* | After *Rogel v. Department of Finance* was settled, Finance approved payment of the fee award, but the Successor Agency did not seek payment of the amounts owed on the merits. After threats of further litigation, payments have begun. As payments are in multi-year installments, case will remain on Docket.

*Co-Counsel* | Public Interest Law Project; Public Counsel; Gibson, Dun & Crutcher; O’Melveny & Myers

**SAJE v. HCD**

**Arbitrary cut-off of rental assistance**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HOUSING</b>	State	State	Southern CA	Los Angeles	Tenants statewide seeking COVID-related rental assistance

*Summary* | HCD decided to deny statutory COVID-related rental assistance for rental debt accrued after March 31, 2022.in alleged violation of the rental assistance statutes.

*Filed* | 2022

*Current Status* | TRO was denied. The court later sustained HCD’s demurrer with leave to amend. Hearing on the merits is set for June 2023.

*Co-Counsel* | Legal Aid Foundation of Los Angeles, Public Counsel.

**SCRHA v. County of San Diego**

**Defense of eviction moratorium**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
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**HOUSING**      Other      Federal      Southern CA      San Diego      San Diego tenants

*Summary* | An apartment owners’ association has sued to challenge a San Diego County ordinance that bans most evictions during the pandemic. A tenants rights organization seeks to defend the ordinance.

*Filed* | 2021

*Current Status* | Intervention granted, TRO denied, and preliminary injunction denied. Plaintiffs have appealed, with briefing and oral argument completed. Ninth Circuit dismissed the appeal as moot.

*Co-Counsel* | Legal Aid Society of San Diego; Susman Godfrey

**Tesfai v. Department of Health Care Services**

**Challenge to policy restricting ability to obtain replacement prosthetics**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HEALTH</b>	State	State	Northern CA	Alameda	Denti-Cal Beneficiaries in Need of Teeth Prosthetics

*Summary* | Denti-Cal beneficiaries are statutorily entitled to replacement prosthetics “necessary to prevent a significant disability or to replace previously furnished prostheses that are lost or destroyed due to circumstances beyond the person's Control.” DHCS only permits replacement for lost prosthetics when there is a police or fire report even when, as in petitioner Daniel Tesfai’s case, replacement meets the statutory criteria.

*Filed* | 2022

*Current Status* | Mr. Tesfai filed suit seeking administrative mandamus for himself under Code of Civil Procedure § 1094.5 and traditional mandate under § 1085 to challenge the Department’s policy. The Department has decided to give Mr. Tesfai his prosthetics, mooting out the § 1094.5 claim, but the § 1085 litigation continues. The Department withdrew its motion for a change of venue, but has filed a demurrer..

*Co-Counsel* | Bay Area Legal Aid

**Venice Town Council v. City of Los Angeles**

**Affordable housing in Coastal Zone**

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
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<b>HOUSING</b>	City Other	State	Southern CA	Los Angeles	Low income renters in California
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<i>Summary</i>	This suit resulted in an appellate victory and later a comprehensive settlement guaranteeing enforcement of the Mello Act, which preserves affordable housing in the Coastal Zone.
<i>Filed</i>	1995
<i>Current Status</i>	Plaintiffs' counsel negotiated a settlement which will require a major development to include affordable housing, as required by the <i>Venice Town Council</i> settlement. Some monitoring continues.
<i>Co-Counsel</i>	Legal Aid Foundation of Los Angeles; McDermott, Will & Emory

### Warren v. City of Chico

#### Challenge to ordinances criminalizing homelessness

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
<b>HOUSING</b>	City	Federal	Northern CA	Butte	Unhoused people in Chico and elsewhere

<i>Summary</i>	Chico ordinances prohibit camping or sleeping in public places; and require confiscation of property perceived as worth less than \$100. This conflicts with controlling Ninth Circuit precedent.
<i>Filed</i>	2021
<i>Current Status</i>	District court issued TRO, and later a preliminary injunction. Settlement was reached, including attorneys' fees, which have been paid. Issues arose over implementation, which have been litigated, mostly favorably. Monitoring and enforcement issues remain.
<i>Co-Counsel</i>	Legal Services of Northern California