



LITIGATION DOCKET
December 6, 2023

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>
HEALTH	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 available to a recipient to meet current needs.				
<i>Filed</i>	2020				
<i>Current Status</i>	Trial court denied petition, Ms. Abney appealed, and briefing has been completed				
<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>
HOUSING	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 twice moved to dissolve the injunction and both times the trial court denied the motions. While HCD's second appellate writ petition was pending, the parties tentatively settled the entire litigation. A final settlement agreement was executed May 30, 2023, though monitoring continues, and mediation has been scheduled on implementation issues.				
<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>
HOUSING	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. Case is back in district court, with dismissal motion pending.				
<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>
PUBLIC BENEFITS	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>
ACCESS TO JUSTICE	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>	Following three years of structured settlement negotiations, during which the District agreed to important changes, the case has been settled. Attorneys' fees were negotiated and paid, but significant monitoring will be required.				
<i>Co-Counsel</i>	Equal Justice Society; National Center for Youth Law; Disability Rights California				

Community Power Collective v. City of Los Angeles

Enforcement of state law protecting sidewalk vendors

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
HEALTH	City	State	Southern CA	Los Angeles	Sidewalk vendors in LA and consumers
<i>Summary</i>	Western Center-sponsored legislation enacted in 2018 prohibited cities from outlawing sidewalk vendors except to the extent necessary to protect health and safety. The City of LA adopted an ordinance that prohibits vending in several areas without documenting a health or safety need for the prohibition.				
<i>Filed</i>	2022				
<i>Current Status</i>	Suit filed, then City demurred. The court overruled the demurrer in an order strongly suggesting that the City had acted illegally. Petitioners have filed their opening brief on the merits of the writ petition.				
<i>Co-Counsel</i>	Public Counsel; Arnold & Porter Kaye Scholer LLP.				

Erdmann-Browning v. Vilsack

Keeping food benefits during anticipated government shutdown

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
PUBLIC BENEFITS	Federal	Federal	Northern CA	San Francisco	42 million SNAP recipients

<i>Summary</i>	With a federal government shutdown possible beginning October 1, the United States Department of Agriculture refused to reveal whether it would permit the states that administer the federally funded food program (formerly food stamps, now SNAP federally and CalFresh in California) to enable issuance of October benefits.
<i>Filed</i>	2023
<i>Current Status</i>	Nationwide class action filed. District court judge denied TRO “without prejudice” and scheduled an expedited preliminary injunction hearing. Meanwhile, USDA sent instructions to states to take the actions necessary for issuance of October SNAP benefits. Plaintiffs filed motion for preliminary injunction, which was mooted when a Continuing Resolution was signed into law. Litigation will continue as possible shutdowns still loom.
<i>Co-Counsel</i>	The Impact Fund

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>
HEALTH	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.
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Foster v. Renovate America

Holding County accountable for program that stripped wealth from poor people

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
HOUSING	County Other	State	Southern CA	Los Angeles	Low-income homeowners

<i>Summary</i>	Alma Foster signed up for what was sold to her as a \$7,500 roof repair but ended up as an \$84,000 debt added to her property taxes as part of an ill-fated LA County program that was supposed to assist homeowners in making their homes energy efficient but often ended up in foreclosures. Ms. Foster sued the County and its contractors, then settled with the contractors.
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<i>Filed</i>	2019
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<i>Current Status</i>	The Superior Court issued summary judgment for the County based on the court's interpretation of a government immunity statute. Western Center has associated into co-counsel on an appeal.
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<i>Co-Counsel</i>	Neighborhood Legal Services of Los Angeles County
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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>
ACCESS TO JUSTICE	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.
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<i>Filed</i>	2020
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<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 court granted preliminary approval of the settlement, then final approval on June 2, 2023. Distribution of settlement proceeds is nearing completion.
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<i>Co-Counsel</i>	National Center for Youth Law
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Grupo Comunitario v. Harmony Communities

Illegal closure and planned conversion of mobile home park

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

Summary

After taking over a mobile home park lived in by a largely Mixteco community, a park owner raised rents by 50% and began threatening evictions for purported violations of park rules. Plaintiffs alleged that these actions violated the Mobile home Residency Law and other statutes.

Filed

2019

Current Status

Case settled and will not appear on next Docket.

Co-Counsel

California Rural Legal Assistance; Morrison & Foerster

Hunger Action Los Angeles v. County of Los Angeles

Suit to require county to timely provide emergency food aid

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
PUBLIC BENEFITS	County	State	Southern CA	Los Angeles	Very low-income applicants for emergency food aid in LA County

Summary

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.

Filed

2021

Current Status

The County agreed to a stipulated permanent injunction. Plaintiffs later moved to enforce the injunction, and then case settled both on merits and attorneys' fees. Monitoring ongoing.

Co-Counsel

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>
HOUSING	City	State	Southern CA	Los Angeles	Low-income tenants statewide

Summary | 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.

Filed | 2019

Current Status | 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 appealed and we cross-appealed. The Court of Appeal affirmed in full, but Western Center has received its share of the trial court fees resulting from the work of a joint litigation team.

Co-Counsel | 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>
HEALTH	State Choose an item.	Federal	Southern CA	Los Angeles	Foster care children in California

Summary | 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 proceeded for years.

Summary | In 2007, the Ninth Circuit held that the State must provide a broad range of mental health treatment to foster children under the Medi-Cal program. At the same time, the court reversed a preliminary injunction that required provision of wraparound services and therapeutic foster care. *Katie A. v. Bonta*, 481 F.3d 1150 (9th Cir. 2007).

Filed | 2001

Summary | Plaintiffs and the State defendants reached a settlement agreement, which was approved December 5, 2011. Agreement included \$3.75 million in attorneys' fees for all counsel.

Current Status | While the court no longer had jurisdiction over the case against the state, implementation work remained 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 had been overseeing County compliance, but the County then filed a Rule 60(b) motion to end jurisdiction. 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 asked for further input on certain points, and the parties

<i>Co-Counsel</i>	submitted a joint report. The court then finally approved settlement, including fee award, and entered judgment. Payment of fees pending. Bazon Center for Mental Health Law, Public Counsel, National Health Law Program, Disability Rights California
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Murray v. City and County of San Francisco

Denying full assistance to unhoused General Assistance recipients without notice or opportunity to be heard

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
PUBLIC BENEFITS HOUSING	County	State	Northern CA	San Francisco	Unhoused GA recipients in SF
<i>Summary</i>	San Francisco has set a maximum monthly General Assistance grant of \$687, but only pays \$105 to unhoused residents coupled with an offer of a shelter bed. Beneficiaries are not notified how the reduced grant was calculated and are not given an opportunity to explain at a hearing if disabilities prevent them from accepting certain shelter beds. This violates their due process rights.				
<i>Filed</i>	2023				
<i>Current Status</i>	Suit filed and discovery begun.				
<i>Co-Counsel</i>	Bay Area Legal Aid				

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>
HEALTH	Other, State	State	Southern CA	LA	Latinx families needing regional center services
<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.				
<i>Co-Counsel</i>	Disability Rights California; Akin Gump.				

Peoples Collective for Environmental Justice v. County of San Bernardino

Environmental and housing challenge to huge warehouse project in Latinx neighborhood

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
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HOUSING	County	State	Southern CA	San Bernardino	Residents of San Bernardino County
<i>Summary</i>	San Bernardino County approved a 213-acre warehouse project in a mostly Latinx neighborhood already over-burdened with pollution and lack of affordable housing.				
<i>Filed</i>	2022				
<i>Current Status</i>	Suit filed and discovery is ongoing.				
<i>Co-Counsel</i>	Earth Justice; Center for Biological Diversity; Law Office of Abigail Smith.				

Pinto Lake MHP v. County of Santa Cruz

Protecting procedural and substantive rights of mobile home residents

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
HOUSING	County	State	Northern CA	Santa Cruz	Mobile home residents in Santa Cruz County
<i>Summary</i>	A large mobile home park owner filed suit to challenge denial of 47% rent increase without notifying or serving the residents or their association.				
<i>Filed</i>	2016				
<i>Current Status</i>	A small seniors legal services program fought back the rent increase, enforcing the right of mobile home park residents' right to participate in litigation that affects them, and were awarded attorneys' fees. When the owner appealed, the legal services program enlisted Western Center as appellate counsel. The Court of Appeal affirmed the fee award order in an unpublished opinion, and the Supreme Court denied the park owner's petition for review. We will seek a fee award for the appellate work. .				
<i>Co-Counsel</i>	Senior Citizens' Legal Services				

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>
HEALTH	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.

Co-Counsel Bay Area Legal Aid; Central CA Legal Services; Multiform 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>
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 is 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 the 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.

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, Dunn & Crutcher; O'Melveny & Myers

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>
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. Litigation is proceeding in the district on the County's motion for dismissal of the case.

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

St. James v. Bills

Challenge to discrimination against Section 8 voucher holders

<u>Issue</u>	<u>Defendant</u>	<u>Court</u>	<u>Location</u>	<u>County</u>	<u>Who Benefits</u>
HOUSING	Other	State	Southern CA	Los Angeles	Section 8 voucher holders in Santa Monica

Summary | A major Santa Monica landlord refuses to accept Section 8 vouchers, including from the plaintiff, a long-time resident. This policy violates the Fair Employment and Housing Act and a local ordinance.

Filed | 2020

Current Status | After plaintiff won summary adjudication, the court issued a permanent injunction prohibiting the landlord from discriminating against Section 8 voucher holders. The case continues on damages issues.

Co-Counsel | Legal Aid Foundation of Los Angeles

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>
HEALTH	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 of lost prosthetics when there is a police or fire report even when, as in petitioner Daniel Tesfai’s case, replacement meets the statutory criteria.
<i>Filed</i>	2022
<i>Current Status</i>	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 decided to give Mr. Tesfai his prosthetics, mooted out the § 1094.5 claim, but the § 1085 litigation continues. The court overruled the Department’s demurrer. Discovery and settlement negotiations ongoing, as defendants are seeking federal approval of an amendment to their State Plan which would resolve many of the issues in the case.
<i>Co-Counsel</i>	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>
HOUSING	City Other	State	Southern CA	Los Angeles	Low-income renters in California

<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>
HOUSING	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