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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE NAPPER, JANET FISCHER, JACQUIE EICHHORN-SMITH, TED YANNELLO, and LYNDA MANGIO, on behalf of themselves and all others similarly situated, **Plaintiffs,** **vs.** **COUNTY OF SACRAMENTO; BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO; County Supervisor ROGER DICKINSON; County Supervisor JIMMIE YEE; County Supervisor SUSAN PETERS; County Supervisor ROBERTA MACGLASHAN; County Supervisor DON NOTTOLI; SACRAMENTO COUNTY DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; ANN EDWARDS-BUCKLEY, Director, Department of Behavioral Health Services; MARY ANN BENNETT, Mental Health Director,** **Defendants.**	**Case No. 2:10-CV-01119-JAM-EFB** **STIPULATION OF PARTIES TO A RESOLUTION OF ALL MATTERS AT ISSUE** **Dept: 6** **Judge: Hon. John A. Mendez**

Pursuant to Local Rule 143(a)(1), the Parties hereby stipulate that an agreement has been negotiated between all named parties which resolves all matters in this action.

This agreement is embodied in the attached proposed Consent Decree. The parties agree that this proposed Consent Decree does not establish wrongdoing on the part of any party, nor does it require or contain an admission of fault on the part of any party.

All the named Plaintiffs and all County Defendants request that the Court accept this Stipulation and impose the terms of the attached Consent Decree.

DATED: January 20, 2012

ROBERT A. RYAN, JR., County Counsel
Sacramento County, California

By: _____
RICK HEYER
Deputy County Counsel
Attorney for Defendants

DATED: January 20, 2012

By: _____
ROBERT D. NEWMAN
Western Center on Law and Poverty
Attorney for Plaintiffs

ORDER

IT IS SO ORDERED by this Court, this _____ day of January, 2012

_____
United States District Judge

178649

Attachment
CONSENT DECREE

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Plaintiffs in this action are Leslie Napper, Janet Fischer, Jacquie Eichhorn-Smith, Ted Yannello and Lynda Mangio ("Plaintiffs"). Defendants in this action are County of Sacramento ("County"), Sacramento County Board of Supervisors ("Board"), current Board members Phil Serna, Jimmie Yee, Susan Peters, Roberta MacGlashan, and Don Nottoli, Sacramento County Department of Health and Human Services ("DHHS"), DHHS' current Director Ann Edwards, and the County's current Mental Health Director Mary Ann Bennett ("Defendants"). Defendants Yee, Serna, Peters, MacGlashan, Nottoli, Edwards and Bennett have all been sued only in their respective official capacities. This Consent Decree applies to Defendants and their successors in office.

2. This Court has jurisdiction over Plaintiffs' claims against all Defendants pursuant to 28 U.S.C. §§ 1331, 1343 and 1367. Venue is proper in the Eastern District of California pursuant to 28 U.S.C. § 1391(b). Any claims in this lawsuit on behalf of a putative class of all current and future adult recipients of Medi-Cal funded mental health services in the County of Sacramento are hereby dismissed without prejudice.

3. For the duration of this Consent Decree, Defendants shall not implement or enforce the "Hybrid Plan," either in its entirety or major components thereof, under whatever designation or nomenclature. The parameters of the Hybrid Plan were previously approved by the Board on June 17, 2010, a copy of which is attached hereto. This Consent Decree does not affect or concern Defendants' provision of adult inpatient mental health services or crisis residential services to Medi-Cal recipients who are residents of the County of Sacramento since the provision of such inpatient and/or crisis residential services were not part of the Hybrid Plan and were not the subject of this lawsuit.

4. No later than December 31, 2012, Defendants shall:

a. develop a plan for providing a continuum of care through the County-operated and funded adult outpatient mental health system; and

b. develop a plan to consolidate the two County outpatient clinics.

5. No later than December 31, 2012, Defendants shall consider and decide whether or not to:

a. modify the intake system so that existing providers can conduct intake assessments for easy access to services;

b. increase the use of the Wellness and Recovery model and provide training on this model to existing contract and County providers;

c. increase, to the extent of available funding, the use of peer staffing/volunteers at the existing contract and County providers;

d. increase collaboration between outpatient and inpatient mental health providers (e.g., create a system to give immediate notification to outpatient providers when their clients are hospitalized); and

e. develop a 24-hour welcoming line or "warm line" staffed by persons with lived experience.

6. In implementing the measures described in Paragraph 4 above and preceding the decisions on whether or not to implement the measures described in Paragraph 5 above, Defendants shall:

a. consider the report dated May 10, 2011 of Dr. Nancy Callahan in connection with the proposed redesign;

b. hold a minimum of four stakeholders/community input meetings to address consumer/client concerns about existing adult outpatient mental health services and any proposed redesign. These meetings may be held in conjunction with the County's mental health board meetings;

c. conduct a minimum of one (1) outreach meeting at each existing outpatient provider (including HRC, TCORE, Northgate Point, Visions, El Hogar and the two Wellness and Recovery Centers) to seek consumer/client input about existing adult outpatient mental health services and any proposed redesign. These meetings shall be scheduled at

dates and times convenient for Defendants and the affected outpatient providers; and

d. provide an opportunity for public comment at the above meetings and subsequent events and provide, at subsequent meetings, written responses to public questions about any proposed redesign of the County's adult outpatient mental health system.

7. For the duration of this Consent Decree, Defendants shall give advance written notice to counsel at Disability Rights California of any public meeting where discussion of Sacramento County Adult Outpatient Mental Health is on the agenda. Plaintiffs shall advise Defendants of which attorney at Disability Rights California should receive these notices.

8. The parties recognize that Defendants' ability to implement any of the plans discussed in Paragraphs 4 and 5 above or other plans relating to the adult outpatient mental health system for Medi-Cal recipients may require the approval and funding commitment of the State Department of Mental Health and other state agencies.

9. This Consent Decree shall remain in effect through January 31, 2013, at which time the Consent Decree will automatically expire and no longer be of any force or effect. During that time period, the Court shall retain jurisdiction over this lawsuit to enforce the provisions of the Consent Decree. Before filing any motion to enforce the terms of the Consent Decree, counsel for the moving party shall contact counsel for the opposing party to discuss thoroughly, preferably in person, the substance of the contemplated motion and any potential resolution. Any such motion shall not be filed until seven (7) days after the parties have conferred to discuss the motion. Upon the expiration of this Consent Decree, this matter will be dismissed with prejudice by the named Plaintiffs.

10. The Court shall also retain jurisdiction over the request by Plaintiffs' counsel to be awarded their costs of suit as well as their motion to recover attorneys' fees and litigation-related expenses. The parties shall make good faith efforts to resolve their

differences as to these issues. Plaintiffs' counsel shall, however, file their cost bill and motion to recover their attorneys' fees and litigation related expenses no later than ninety (90) days after entry of the Consent Decree.

Dated_____, 2012

_____
John A. Mendez
United States District Judge