

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
in
Rodde v. Bontá., Case No. CV 03-1580 FMC (PJWx)
United States District Court for the Central District of California

To the patients of Rancho Los Amigos National Rehabilitation Hospital (“Rancho”)

YOU ARE NOT BEING SUED

YOU SHOULD READ THIS NOTICE because it describes the proposed settlement of a class action lawsuit against Los Angeles County (the “County”). Under the Settlement, the County will keep Rancho open and provide services to Medi-Cal recipients until at least March 13, 2009 unless the County finds a buyer for Rancho. If the County decides to close Rancho after March 13, 2009, you or other patients can still bring a new lawsuit to keep Rancho open.

YOU RECEIVED THIS NOTICE because County records show that you have been a Medi-Cal recipient and a Rancho patient during the last three (3) years. *This Notice does not affect your Medi-Cal benefits in any way.*

THE COURT WILL HOLD A HEARING TO DECIDE IF IT SHOULD APPROVE THE SETTLEMENT, described below. *You do not have to do anything unless you object to the Settlement.* If you object, you must file your objection as described below. Whether you object to the Settlement or do nothing, it will not affect your ability to keep going to Rancho.

I. The Basis of the Rancho Lawsuit

In January 2003, the County Board of Supervisors voted to close Rancho because of budget problems. On March 6, 2003, three Rancho patients who get Medi-Cal (“plaintiffs”) sued the County under the Americans with Disabilities Act, the Medicaid Act and other laws. Plaintiffs argued that closing Rancho would be discrimination against them and other Medi-Cal patients at the hospital because Rancho is the only rehabilitation hospital in the County primarily serving persons with disabilities. The lawsuit only asked to keep Rancho open; it did not ask for money damages for plaintiffs or any other patients.

On May 8, 2003, the Court issued a preliminary injunction ordering that the County could not close Rancho unless it made sure Rancho patients on Medi-Cal could get treatment elsewhere. The Ninth Circuit Court of Appeals upheld the order on February 5, 2004. Rancho currently remains open under the terms of the preliminary injunction. The Court

has not issued a permanent injunction or made any permanent ruling on the merits of Plaintiffs' action.

The County has denied and continues to deny that it engaged in any wrongdoing or has any liability to Plaintiffs arising from its decision to close Rancho or from any of the conduct, acts or omissions alleged in this lawsuit .

II. Who is a Member of the Class

The Court has certified the case as a class action on behalf of all Medi-Cal recipients (including seniors and children) who live in Los Angeles County, who have disabilities, and who, because of their disabilities, need or will need rehabilitative and other medical services that are provided at Rancho.

III. The Proposed Settlement

Plaintiffs recently agreed to settle the case, rather than go to trial while the County health care system is still facing budgetary problems. The County agreed to the Settlement to save the cost of litigation, but does not admit it has done anything wrong.

The Court has now ordered that this Notice go out to all class members. This Notice is only a summary of the settlement terms. (See Section IX below on how to get a copy of the entire Settlement).

IV. Summary of the Settlement Terms

- (1) Rancho's core rehabilitation services will stay open for at least three years
 - Unless the County finds a buyer for Rancho, the County will keep Rancho open for at least three years regardless of the County's budgetary problems.
 - During the three year period, Rancho will operate with a total of 162 beds (146 average daily census) for all patients including Medi-Cal recipients.
 - Rancho will keep providing acute inpatient rehabilitation services and related medical services: Adult Brain Injury, Spinal Cord Injury, Major Multiple Trauma, Pediatrics, Neurology, Stroke Gerontology, Pressure Ulcer Management, Rehab Related Medical Surgeries, Intensive Care Unit, and two Operating Rooms.
 - Rancho will keep providing ortho-diabetes and arthritis care.
 - Rancho will keep operating outpatient clinics and providing therapy services.
 - Patients who require chronic intravenous ("IV") antibiotic treatment or who have liver disease will no longer be transferred to Rancho but will continue to receive

care at County facilities.

- (2) Over the next three years, the County will look for a buyer or establish a nonprofit organization to take over Rancho.
 - The entity taking over Rancho must agree to keep Rancho as a comprehensive, catastrophic rehabilitation hospital, with both inpatient and outpatient services.
 - The entity taking over Rancho must also agree to accept Medi-Cal and County indigent rehabilitation inpatients and outpatients for treatment under the same admission protocols in place at Rancho in the year prior to the takeover.
- (3) During the three year period, the County will use its best efforts to make Rancho run in the most efficient and economical manner practicable.
- (4) If after three years the County decides to close Rancho, there are things the County must do for Medi-Cal recipients first:
 - (a) Prepare discharge plans for inpatients and outpatients who at that time are in a course of treatment, use a ventilator, or have postpolio syndrome.
 - (b) Provide referrals for other outpatients who have received services in the last three years.
 - (c) Create a plan for other County-run facilities to provide the type of inpatient and/or outpatient services provided at Rancho.
 - (d) Survey the facilities in Los Angeles County that accept Medi-Cal and are accredited to provide the types of services provided at Rancho to find out which facilities will accept additional Medi-Cal patients.
 - (e) Arrange for the County's California Children's Services (CCS) program to ensure that Medi-Cal recipients who are also covered by CCS, and who would have received services at Rancho, receive appropriate inpatient and outpatient care.

IMPORTANT: Nothing in the Settlement prevents plaintiffs or other class members from bringing a new lawsuit to challenge the County's decision to close Rancho or reduce the level of services available after the three year period.

Plaintiffs and plaintiffs' attorneys believe the Settlement agreement is fair, reasonable and adequate. Experts for plaintiffs and the County estimate that it may take at least three years of diligent efforts by the County to attempt to find an entity to take over Rancho. Experts for the parties also believe that an entity would not be interested in taking over Rancho if this lawsuit were still going on.

V. Effects of the Settlement

If the Court approves this Settlement, the current lawsuit will be dismissed without prejudice. Plaintiffs have agreed to not bring any new lawsuits to keep Rancho open so long as the County complies with the terms of the Settlement regarding Rancho's future operations. If, on the other hand, the County violates the terms of the Settlement, plaintiffs or members of the Class can bring a new lawsuit in federal court to enforce the terms of the Settlement. The District Judge for the current lawsuit would be the District Judge for the new lawsuit.

VI. Award of Attorneys' Fees and Expenses

The Settlement provides, subject to the Court's approval, that the attorneys representing plaintiffs will be paid 1.75 million dollars in fees and costs for their services and expenses through to the hearing for the Court's final approval of the Settlement.

VII. Hearing on the Fairness of the Settlement

On October 3, 2005, the Honorable Florence-Marie Cooper, United States District Judge, preliminarily approved the Settlement. Another hearing, called a "Fairness Hearing," will be held before Judge Cooper on January 30, 2006 at 11:00 a.m. at the United States District Court, Edward R. Roybal Federal Building & Courthouse, 255 East Temple Street, Los Angeles, California. The purpose of the Fairness Hearing is to finally determine whether the Settlement is fair, adequate, and proper, and whether the Court should finally approve the Settlement, award attorneys' fees and expenses, and dismiss the case.

VIII. Procedures for Agreement with or Objection to the Settlement

If you agree with the Settlement, *you do not need to do anything*. You of course are welcome to attend the Fairness Hearing as a member of the audience.

If you disagree with the Settlement, you have a right to object to it. There are three ways to object; *if you do not follow them exactly, the Court will not consider your objection*:

(A) **Object in Writing**: Write a letter describing what your objection is. You must include in the letter your name, address and telephone number, and the name of the case, "Rodde v. Bontá, and the case number, CV 03-1580 FMC (PJWx)." You must send your letter no later than December 19, 2005, to: "Clerk of the U.S. District Court, Central District, 312 North Spring Street, Los Angeles CA 90012." You must also send a copy of your letter to all the lawyers (listed on page 7) and state in the letter itself that you did so.

(B) Object by Telephone: You can call this toll free number – 1-866-752-6679 – by December 19, 2005, and record your objection. You must state your name, address and telephone number, and what your objection is.

(C) Object at the Fairness Hearing: You also have the right to object in person and to be represented by an attorney at the Fairness Hearing. To do so, you must *first* send in a written objection or object by telephone, following the instructions above, *and* state in that objection that you *also* want to speak at the Fairness Hearing. No one will be allowed to speak at the Fairness Hearing who has not done this.

IX. More Information

This Notice only contains a summary of the Settlement. All of the specific terms of the Settlement are posted on these websites: Rancho, www.rancho.org; Protection and Advocacy, www.pai-ca.org; Western Law Center for Disability Rights, www.wlcdr.org; Western Center for Law and Poverty, www.wclp.org; and L.A. County In Home Supportive Services, www.ladpss.org/dpss/ihss/ihss_title_page.cfm.

You can also get a copy of the Settlement, and all other papers filed in the case (*Rodde v. Bontá.*, Case No. CV 03-1580 FMC (PJWx)), by going during regular office hours to the Office of the Clerk, United States Court for the Central District of California, 312 North Spring Street, Los Angeles, California 90012. **DO NOT CALL THE COURT.**

If you need this Notice or the Settlement in an alternative format, such as large print or audio recording, contact the Language and Culture Resource Center at Rancho as follows: Tel: 562-401-7666; TDD: 562-401-6359.

Dated: October 3, 2005

BY THE ORDER OF THE COURT

UNITED STATES DISTRICT JUDGE

[English]

If you cannot read this, please contact the Language and Culture Resource Center at Rancho. (Tel: 562-401-7666, TDD: 562-401-6359)

[Armenian]

Եթե այս չեք կարող կարդալ, խնդրվում է կապվել Լեզվի և Մշակույթի Միջոցառումների Կենտրոնի Գրասենյակի հետ Բանոյում (Հեռ: 562-401-7666, TDD: 562-401-6359):

[Cambodian]

បើអ្នកមិនអាចអានពាក្យទាំងនេះមិនដាច់ទេ, សូមទាក់ទងមកក្រសួង មជ្ឈមណ្ឌលភាសា និងប្រពៃណី នៅ Rancho តាមលេខទូរស័ព្ទ។ (ទូរស័ព្ទ: 562-401-7666, សម្រាប់អ្នកច្រៀង សូមទាក់ទងតាមលេខ: 562-401-6359)

[Traditional Chinese]

如果您看不懂這通知書，請聯絡Rancho醫院的「語言和文化資源中心」。
(電話：562-401-7666；聾者電話：562-401-6359)

[Simplified Chinese]

如果您看不懂这通知书，请联络Rancho医院的「语言和文化资源中心」。
(电话：562-401-7666；聾者电话：562-401-6359)

[Cantonese Chinese]

如果你唔識睇呢份通知書，請聯絡Rancho醫院的「語言和文化資源中心」。
(電話：562-401-7666；聾者電話：562-401-6359)

[Farsi]

اگر نمیتوانید این را بخوانید، لطفاً با اداره مرکز منابع زبان و فرهنگ در رانچو تماس بگیرید
(تلفن: 562-401-7666, 562-401-6359, TDD).

[Hmong]

Yog koj nyeem tsis tau cov lus no, thov hu rau lub Hoob kas Hoob Kas Lus thiab Kev Cai nyob Rancho. (Xov tooj: 562-401-7666, (Cov tsis hnov lus – TDD): 562-401-6359)

[Korean]

만약 이 글을 읽으실 수 없다면, “랜초”의 언어 문화 자원 센터 (Language and Culture Resource Center) 로 연락 주십시오. (전화: 562-401-7666, 청각장애이용 전화: 562-401-6359)

[Russian]

Если вы не можете этого прочесть, пожалуйста, свяжитесь с Офисом Центра Ресурсов Языка и Культуры Ранчо. (тел.: 562-401-7666, телетайп для глухих: 562-401-6359)

[Tagalog]

Kung hindi ninyo mababasa ito, pakitawagan ang Sentro para sa mga Sanggunian hinggil sa Wika at Kultura (Language and Culture Resource Center) sa Rancho. (Telepono: 562-401-7666, TDD: 562-401-6359)

[Vietnamese]

Nếu quý vị không đọc được tài liệu này, xin liên lạc với Văn Phòng Trung Tâm Nguồn Trợ Giúp Ngôn Ngữ và Văn Hóa (Language and Culture Resource Center) tại Rancho. (Điện thoại: 562-401-7666, TDD: 562-401-6359)

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