

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

C.A. through their next friend **P.A.**, **C.B.** through his next friend **P.B.**, and **C.C.** through his next friend **P.C.**, for themselves and those similarly situated,

Plaintiffs,

v.

Kelly Garcia, in her official capacity as Director of the Iowa Department of Health and Human Services.

Defendant.

C/A No. 4:23-cv-00009-SHL-HCA

**(PROPOSED) ORDER REGARDING
JOINT MOTION TO APPROVE
INTERIM SETTLEMENT, CERTIFY
THE CLASS, EXTEND THE STAY OF
LITIGATION AND AMEND THE
SCHEDULING ORDER**

This matter having come before the Court on the Parties' Joint Motion to Approve Interim Settlement, Certify the Class, Extend the Stay of Discovery and Amend the Scheduling Order ("Joint Motion"), and having been duly considered, it is hereby:

ORDERED THAT:

1. The Parties' Joint Motion dated October 2, 2023 and filed herein is GRANTED. Pursuant to the Joint Motion, the Court will enter an amended case schedule (see below) and shall have jurisdiction to enforce the terms of the Parties' Interim Agreement, including the requirements incorporated therein and to which the Parties stipulate are binding upon them in this action.

2. The trial date now set for October 15, 2024 is stricken.

3. This case will remain on this Court's active docket as set forth in the Interim Agreement, including for purposes of enforcing the Interim Agreement, as necessary. However, pursuant to the Parties' Interim Agreement, all formal discovery and further litigation activity is stayed until July 1, 2024 pending further order of the Court.

4. A new Case Scheduling Order will be entered requiring the Parties to submit to this Court on December 15, 2023, March 15, 2024, and June 14, 2024 joint status reports reflecting the status of the Parties' compliance with the Interim Agreement and negotiation of the Final Settlement Agreement.

5. This case shall be certified as a class action for purposes of all causes of action in Plaintiffs' Complaint against the Defendant on behalf of "all Medicaid-eligible children in the State of Iowa under the age of twenty-one, (i) who have been determined by a licensed practitioner of the healing arts as having a serious emotional disturbance, not attributable to an intellectual or developmental disability, and (ii) for whom there is an assessment that intensive home and community-based services are needed to correct or ameliorate their condition."

6. The Parties' Interim Agreement does not impede the rights of individual class members. Individual class members remain free to adjudicate their claims during the course of the Interim Agreement.

Ordered this _____ day of _____, 2023.

Stephen H. Locher
U.S. District Judge