

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MIKESHA MARTINEZ, et al.,  
Plaintiffs,  
v.  
ARNOLD SCHWARZENEGGER, et al.,  
Defendants.

No. C 09-02306 CW  
AMENDED PRELIMINARY  
INJUNCTION

IT IS HEREBY ORDERED that Defendants ARNOLD SCHWARZENEGGER,  
Governor of the State of California; JOHN A. WAGNER, Director of  
the California Department of Social Services; DAVID MAXWELL-JOLLY,  
Director of the California Department of Health Care Services; JOHN  
CHIANG, California State Controller; and their officers, agents,  
servants, employees, and attorneys, and those persons in active  
concert or participation with them, are HEREBY ENJOINED AND  
RESTRAINED from implementing California Welfare and Institutions  
Code § 12306.1(d)(6) without first conducting the analysis required  
by 42 U.S.C. § 1396a(a)(30)(A), as described in Orthopaedic  
Hospital v. Belshe, 103 F.3d 1941, 1493 (9th Cir. 1997). IT IS

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1 FURTHER ORDERED that State Defendants shall, by the close of  
 2 business on July 14, 2009, rescind the State's approval of all  
 3 county rate reduction requests which were submitted after February  
 4 20, 2009, to be effective July 1, 2009, and reinstate the State's  
 5 approval of the pre-July 1 rates. The State shall notify each  
 6 affected county of these action, using a method designed to ensure  
 7 that the notification is received on July 14. At the same time,  
 8 the State will notify these counties that it will pay sixty-five  
 9 percent of the non-federal share of the pre-July 1, 2009 rate up to  
 10 \$12.10 for hours worked on July 1 and thereafter, until such time  
 11 as the Court's preliminary injunction is rescinded. The State  
 12 shall include a copy of the Court's amended injunction in its  
 13 communication to the counties. The State may notify the counties  
 14 that they may submit new Rate Change Requests if they wish to  
 15 pursue a rate change for reasons other than the passage of  
 16 § 12306.1(d)(6).

17 IT IS SO ORDERED.

19 Dated: 07/13/09



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 CLAUDIA WILKEN  
 United States District Judge