

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

LYDIA DOMINGUEZ, et al., Plaintiffs, v. ARNOLD SCHWARZENEGGER, et al., Defendants.	/	No. C 09-02306 CW ORDER GRANTING PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE
--	---	--

IT IS HEREBY ORDERED that, pending an order by the Court as to whether a preliminary injunction should issue, 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; FRESNO COUNTY; and FRESNO COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY; and their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them, are HEREBY RESTRAINED AND PROHIBITED from implementing the Fresno County rate change reducing hourly wages of IHSS providers from \$10.25 to \$8.00 and benefits from \$0.85 to \$0.60, and Defendants WAGNER and MAXWELL-JOLLY SHALL HEREBY RESCIND their

1 approval of such rate change request. This rescission must be in
2 writing and be sent to Fresno County within one business day from
3 the date of this order. At the same time, a copy shall be
4 submitted to Plaintiffs' counsel and to the Court, along with a
5 declaration under penalty of perjury verifying that it was sent.

6 IT IS FURTHER ORDERED that all Defendants take all actions
7 necessary to ensure that no providers' wages are reduced to the
8 \$8.00 per hour wage rate and \$0.60 per hour benefit contribution.
9 To the extent that Defendants have already taken action in
10 preparation for implementing the new rate, Defendants shall take
11 all steps necessary to reverse such actions. State Defendants are
12 ordered to complete updating the Case Management, Information and
13 Payrolling System ("CMIPS") within five business days from the date
14 of this order so that it reflects the \$10.25 per hour wage rate for
15 IHSS providers in Fresno County. Within seven business days from
16 the date of this order, State Defendants shall serve and file a
17 declaration verifying that they have complied with this order.

18 The papers submitted by Plaintiffs in support of their
19 temporary restraining order request will be deemed to be their
20 motion for a preliminary injunction. Because the temporary
21 restraining order will remain in effect until the Court issues an
22 order as to whether a preliminary injunction should issue,
23 Defendants may file their opposition to the motion for a
24 preliminary injunction whenever they wish. However, State and
25 Fresno Defendants shall coordinate their oppositions and file them
26 on the same date. Plaintiffs shall reply within one week of the
27 filing of Defendants' oppositions. The motion will be decided on
28 the papers unless a hearing date is set by the Court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A reasoned written order will follow.

IT IS SO ORDERED.

Dated: 06/29/10



CLAUDIA WILKEN
United States District Judge

United States District Court
For the Northern District of California