

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
Raleigh Division  
Civ. No. 7:08-CV-57-H

DEVON TYLER MCCARTNEY, a minor child, )  
by his mother Penny McCartney; ERIC )  
CROMARTIE, a minor child, by his )  
mother Selena McMillan; KATIE TIPTON, )  
a minor child, by her father, Greg Tipton, )  
individually and on behalf of all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
Dempsey Benton, Secretary, North Carolina )  
Department of Health and Human Services, )  
 )  
Defendant. )

MOTION FOR CLASS CERTIFICATION

Pursuant to Rules 23(a) and (b)(2) of the Federal Rules of Civil Procedure, Plaintiffs move that this action be allowed to proceed as a class action, defined as all current or future North Carolina Medicaid recipients who have, or will have, their claims for behavioral health or developmental disability services denied, delayed, interrupted, terminated, or reduced by the Department of Health and Human Services directly or through its agents or assigns. Concurrent with the filing of this motion, Plaintiffs have filed a memorandum of points and authorities in support of the motion to certify the class.

WHEREFORE, Plaintiffs request the Court to enter an order certifying this action as a class action pursuant to Rules 23(a) and (b)(2) of the Federal Rules of Civil Procedure.

Dated: June 6, 2008

ATTORNEYS FOR PLAINTIFFS

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CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a true copy of the Plaintiffs' MOTION FOR CLASS CERTIFICATION AND MEMORANDUM IN SUPPORT OF CLASS CERTIFICATION upon the Defendant's attorneys via electronic means through the CM/ECF system to:

Mr. Ronald Marquette  
Ms. Belinda Smith  
N.C. Department of Justice  
P.O. Box 629  
Raleigh, NC 27602-0629

This the 6th day of June, 2008.

/s/Douglas Stuart Sea  
Douglas Stuart Sea