

THE HON. THOMAS S. ZILLY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

T.R., by and through his guardian and next friend,
R.R.; S.P., by and through her mother and next
friend, D.H.; C.A., by and through her mother and
next friend, A.A.; T.F., by and through her father
and next friend, D.F.; P.S., by and through his
mother and next friend, W.S.; T.V., by and
through his guardian and next friend, C.D.; E.H.,
by and through his mother and next friend, C.H.;
E.D., by and through his mother and next friend,
A.D.; and L.F.S., by and through his mother and
next friend, B.S.,

Plaintiffs,

v.

SUSAN N. DREYFUS, not individually, but
solely in her official capacity as Secretary of the
Washington State Department of Social and
Health Services; and J. DOUGLAS PORTER, not
individually, but solely in his official capacity as
the Director of the Washington State Health Care
Authority,

Defendants.

No. C09-1677-TSZ

**JOINT STIPULATION AND ORDER TO
DISMISS**

I. STIPULATION

The undersigned parties hereby stipulate that under the terms of settlement agreement and
order previously entered by the Court in this case, the settlement agreement has been satisfied
and this case should be dismissed. In 2013, the parties entered into a settlement agreement,

1 which was approved by the Court pursuant to Fed. R. Civ. Proc. 23. ECF 119_1 and ECF 137.
2 The parties subsequently entered into stipulations regarding Defendant's satisfaction of the exit
3 criteria for dismissal. ECF 171_1, ECF 179. On July 1, 2020, the parties entered into a
4 stipulation that Defendants had satisfied all but six of the exit criteria. ECF 183, Exhibit A.

5 The parties have met throughout the settlement time period to discuss the status of the
6 Wraparound Intensive Services (WISe) program and have provided annual reports to the Court.
7 See ECF 149, ECF 159, ECF 166, ECF 170, ECF 177, ECF 182, and ECF 186. Over the last
8 year, Defendants updated the WISe Manual to include edits to the WISe Access Protocol to
9 better reflect the process for checking eligibility for members of a Managed Care Entity (MCE)
10 and non-MCE beneficiaries (i.e. American Indian/Alaska Native beneficiaries getting Fee-For-
11 Service (FFS) WISe). See 2020 WISe Manual, Section 3, page 21 "WISe Access
12 Protocol/Access Model for Wraparound with Intensive Services (WISe)" available at
13 [https://www.hca.wa.gov/assets/billers-and-providers/wise-wraparound-intensive-services-](https://www.hca.wa.gov/assets/billers-and-providers/wise-wraparound-intensive-services-manual.pdf)
14 [manual.pdf](https://www.hca.wa.gov/assets/billers-and-providers/wise-wraparound-intensive-services-manual.pdf). Screening data through December 2020 demonstrates that youth with involvement
15 with various system partners continued to be referred to WISe through various sources, despite
16 challenges presented by the global COVID-19 pandemic. WISe Screening Report 2021 Q2,
17 available at [https://www.hca.wa.gov/assets/program/wise-screening-report-cy2021q2-](https://www.hca.wa.gov/assets/program/wise-screening-report-cy2021q2-statewide.pdf)
18 [statewide.pdf](https://www.hca.wa.gov/assets/program/wise-screening-report-cy2021q2-statewide.pdf). In addition, 5,954 children and youth received WISe services in FY 2020, which
19 is just below the stipulated threshold of 82.5% of the estimated annual number of class members
20 to be served annually. WISe Dashboard 2021 Q1, p. 2 available online
21 at <https://www.hca.wa.gov/assets/program/wise-dashboard-q1-2021.pdf>; see also
22 ECF 171_1 at ¶ 1(a). From June 2020 through May 2021, the number of youth served per month
23 has consistently exceeded the stipulated monthly caseload standard for substantial

1 compliance (2,685), and data from July 2018 through November 2020 suggests that, based on the
2 ratio between monthly and annual caseloads, the statewide average length of stay likely exceeds
3 the nine months the parties assumed in calculating monthly target caseloads. WISE Dashboard
4 2021 Q2, p. 13, available online at [https://www.hca.wa.gov/assets/program/wise-dashboard-](https://www.hca.wa.gov/assets/program/wise-dashboard-cy2021q2.pdf)
5 [cy2021q2.pdf](https://www.hca.wa.gov/assets/program/wise-dashboard-cy2021q2.pdf); June 2021 WISE Length of Stay, set forth in Exhibit A. ; *see also* Dkt. 186 at p. 8
6 (describing adjusted monthly caseload target). Service intensity data from February 2021
7 demonstrates that the three month moving average of number of WISE service hours met or
8 exceeded the stipulated 10.5 hour statewide benchmark and 9 hour regional benchmark. The
9 most recent WISE Service Intensity report is available at
10 <https://www.hca.wa.gov/assets/program/WISE-service-intensity-202106.pdf>; *see*
11 ECF 171_1 at ¶ 1(b). Furthermore, consistent with the state’s efforts to improve the WISE
12 program, the state agrees to pursue program improvements in the areas of mobile crisis, WISE
13 Interest lists (for those class members requesting WISE), and the screening of transition age
14 youth as set forth in Exhibit B.

15 The parties agree that as of June 30, 2021, the state has substantially complied with the
16 settlement agreement and stipulations. Defendants agree to pay Plaintiffs’ reasonable attorneys’
17 fees from July 1, 2020, through the date of this stipulation subject to Court approval.

18 Accordingly, the parties hereby stipulate by their signatures below that the conditions for
19 dismissal contained in each Court Order and Settlement Agreement have been met, and the case
20 should be dismissed with prejudice.

21 //
22 //
23 //

RESPECTFULLY SUBMITTED this 2nd day of September, 2021.

For Plaintiffs:

DISABILITY RIGHTS WASHINGTON

/s/Susan Kas

Susan Kas, WSBA No. 36592
David Carlson, WSBA No. 35767
susank@dr-wa.org
davidc@dr-wa.org
315 5th Avenue South, Suite 850
Seattle, WA 98104
Telephone: (206) 324-1521
Facsimile: (206) 957-0729

NATIONAL CENTER FOR YOUTH LAW

/s/Leecia Welch

Leecia Welch, WSBA No. 26590
lwelch@youthlaw.org
1212 Broadway, Suite 600
Oakland, CA 94612
Telephone: (510) 835-8098
Facsimile: (510) 835-8099

NATIONAL HEALTH LAW PROGRAM

/s/ Kimberly Lewis

Kimberly Lewis, CB No. 144879
lewis@healthlaw.org
3701 Wilshire Blvd, Suite 750
Los Angeles, CA 90010
Telephone: (310) 736-1653

For Defendants:

OFFICE OF THE ATTORNEY GENERAL

/s/ Eric Nelson

Angela Coats McCarthy, WSBA No. 35547
Eric Nelson, WSBA No. 27183
Angela.CoatsMcCarthy@atg.wa.gov
Eric.Nelson@atg.wa.gov
Assistant Attorneys General
PO Box 40124
Olympia, WA 98504-0124
T: (360) 586-6565

II. ORDER

Based on the foregoing stipulation of the parties, IT IS HEREBY ORDERED THAT:

The Court Orders and Settlement Agreement are terminated pursuant to their terms, and the claims in this case are dismissed with prejudice.

ENTERED this _____ day of September, 2021.

UNITED STATES MAGISTRATE JUDGE/
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- Angela Coats McCarthy (Angela.CoatsMcCarthy@atg.wa.gov)
- Eric Nelson (Eric.Nelson@atg.wa.gov).

Dated this 2nd day of September 2021.

/s/Mona Rennie

Legal Assistant, Disability Rights Washington