

NOTICE OF PROPOSED FINAL CLASS ACTION SETTLEMENT & HEARING
Chambers et al. v. City and County of San Francisco, Case No. C06-06346 WHA

THIS MAY AFFECT YOUR RIGHTS IF YOU ARE MEDI-CAL ELIGIBLE AND:

- **ARE NOW A LAGUNA HONDA HOSPITAL (LHH) RESIDENT;**
- **WERE A LHH RESIDENT WITHIN THE LAST TWO YEARS; OR**
- **ARE ELIGIBLE FOR ADMISSION TO LHH OR ON A WAIT LIST FOR ADMISSION.**

I. NOTICE OF CLASS ACTION:

The *Chambers* case was filed October 11, 2006 against the City and County of San Francisco alleging discrimination in the form of unnecessary institutionalization under the Americans with Disabilities Act. The purpose of the Settlement Agreement is to enhance community-based living options for class members, through the provision of services and housing.

A hearing to approve the final settlement will be held in the Federal District Court in San Francisco on September 18, 2008.

II. SUMMARY OF THE SETTLEMENT AGREEMENT

The Settlement provides for: Access to Medi-Cal Waiver funded home and community-based services; A Diversion and Community Integration Program, (DCIP) which will conduct assessments and prepare a Community Living Plan for each class member referred for admission to and/or recommended for discharge from LHH; Case management and wrap-around services and enhancement of mental health/substance abuse services; Affordable, accessible community housing, including the LHH Rental Subsidy Program (LHHRSP) through which the City will subsidize scattered site, accessible, independent housing for approximately 500 class members; Upon completion of the current rebuild project, the total bed capacity of the rebuilt LHH will not exceed 780 skilled nursing beds. The mission of the rebuilt LHH facility shall include as a goal that the facility is for short-term, rehabilitative treatment. The complete agreement is available at <http://www.pai-ca.org/news/lhh/index.htm> or upon request from the attorneys listed below.

III. YOUR RIGHTS AS A CLASS MEMBER

- A. As a class member, you are entitled to the terms of equitable and injunctive relief set out in the Settlement if it is approved. This Settlement does *not* include any claims for monetary damages.
- B. You may do nothing, and you will remain a class member. You may object to the Settlement, by following the process for filing objections below.
- C. Whether you do nothing or object, the Settlement Agreement will not affect individual damage claims.

IV. FAIRNESS HEARING AND PROCESS FOR OBJECTIONS

The terms of the Settlement Agreement described above were reached after months of negotiations between the parties, which were conducted with the assistance of a Magistrate Judge and a private Mediator. The parties are requesting that the trial judge assigned to the case, Judge William H. Alsup, approve this class-action settlement agreement under Rule 23(e) of the Federal Rules of Civil Procedure.

A Fairness Hearing will be held on September 18, 2008 at 12:00 P.M. before Judge Alsup, at the court address below, where the Court will consider the parties' request for final Court approval of the Settlement Agreement, and will hear objections, if any, to the Settlement.

If you are a Class member who objects to the Settlement, you must submit a written Statement of Objection that: identifies the case, *Mark Chambers, et al. v. City and County of San Francisco*, Case No. C06-06346 WHA; contains your name and address; and explains the basis of your objection. If you wish to appear and present such objection at the Fairness Hearing, you must also submit a Notice of Intention to Appear that identifies the case, contains your name and address, and explains the reason the appearance is desired.

Any Statement of Objection or Notice of Intention to Appear must be filed on or before August 4, 2008. The original copy of any Statement or Notice must be mailed to the Clerk of the Court at the address below. In addition, copies of any Statement or Notice must be mailed to attorneys for Plaintiffs and Defendant at their addresses below.

V. HOW TO GET FURTHER INFORMATION OR ACCOMMODATIONS

For additional information regarding the Settlement Agreement, obtaining a copy of the Settlement Agreement, or assistance in making an objection to the Court, Settlement Class members or their counsel may contact:

<u>Attorneys for Class Members:</u> Elissa Gershon, Elizabeth Zirker PROTECTION & ADVOCACY, INC. 1330 Broadway, Suite 500, Oakland, CA 94612 Phone: (800)776-5746 - TTY (800)649-0154 Fax (510) 267-1201 - Email: Chambers@pai-ca.org	<u>Attorney for San Francisco:</u> James M. Emery City Attorney's Office, Fox Plaza 1390 Market St., San Francisco, CA 94102 Phone (415)554-3800 – Fax (415)554-3837
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Settlement Class members or their counsel may also obtain information about the case by examining the case file located in the office of the Clerk of the U.S. District Court at address below or at www.pai-ca.org/news/lhh/index.htm. Do not telephone the Court or the Court Clerk's office for information.

Dated: _____, 2008

CLERK OF THE COURT, U.S. DISTRICT COURT

**Clerk of the Court, U.S. District Court
450 Golden Gate Ave., San Francisco, CA 94012
Judge Alsup: 19th Floor, Courtroom No. 9**