



**Department of  
Managed Health Care**



### Award # 1223701438968 Details

	<u>Submit Objection</u>
<b>Proceeding:</b>	2008-1536 Definition of Unfair Billing Patterns
<b>Date Requested:</b>	10/10/2008 10:03:59 PM
<b>Amount Requested:</b>	\$6754.6

**Contribution to the Proceeding:** Neighborhood Legal Services previously submitted a request for fees under the Consumer Participation Program for work this office did on the Unfair Billing Practices regulations, but discovered that our submission was premature. Inasmuch as these regulations have not been passed, we are resubmitting our request for fees. Neighborhood Legal Services participated in joint regulation comments with the National Health Law Program and also paid for and assisted a consumer, Mr. Jesus Gonzalez, to travel to Sacramento to testify at the public hearing. As a representative of health care consumers in Los Angeles County, Neighborhood Legal Services Health Consumer Center has an obligation to be actively involved in all phases of the regulatory process to ensure that consumers concerns are considered. Under the direction of Barbara Siegel, the Health Consumer Center reviewed and conferred with other health advocates on Title 22 California Code of Regulations Proposed/Revised Sections 1300.71.39 and 1300.71.38. Specifically, advocates from NLS conducted the following activities: 1. Barbara Siegel, Managing Attorney, reviewed the text of the proposed regulations, discussed the regulations with other advocates internally and participated in multiple telephone conferences with statewide health advocates from the Health Consumer Alliance, the National Health Law Program and the Western Center on Law Poverty. Ms. Siegel also led a policy discussion with and sought input from staff attorneys at the Health Consumer Center of Los Angeles on the proposed additions and revisions of the pertinent regulations. 2. In preparation for the public hearing on October 4, 2006, Ms. Siegel worked with other advocates to prepare written comments on and regulatory language for the proposed regulations. The comments were submitted on or about October 4, 2006. Ms. Siegel also reviewed relevant case law, including Prospect Medical Group v. Northridge Emergency Medical Group, 136 Cal. App. 4th 1155 2006. 3. Ms. Siegel did a search on the Health Consumer Centers database to determine if there were clients who had been assisted with billing practices that would be considered unfair under the proposed regulations. Having located several potential case histories, Ms. Frankel reviewed the cases to determine if any of the cases and clients would be appropriate as witnesses for the October 4, 2006 hearing on Unfair Billing Practices. Ms. Frankel arranged for NLS paralegal staff to contact clients deemed appropriate for testimony. 4. Ms. April Aguilar, a Health Consumer Center paralegal, contacted Mr. Jesus Gonzalez to determine his willingness and availability to participate as a witness at the public hearing. Ms. Aguilar had multiple conversations with Mr. Gonzalez regarding his experiences in handling the billing matter. 5. Ms. Siegel assisted Mr. Aguilar in preparing for his public testimony. 6. Neighborhood Legal Services paid for Mr. Gonzalez travel and expenses from Los Angeles to Sacramento for the public hearing on October 4, 2006. 7. Based on our experience addressing specific consumer issues and as advocates for consumers, NLS has made a substantial contribution to the Departments regulatory process regarding Unfair Billing Practices. We therefore request that the Department award fees to NLS in the amount of \$6,754.60. 8. Specifically, NLS has the following fee requests: Plane flight for Mr. Gonzalez to attend October 4, 2006 hearing in Sacramento \$254.60 Barbara Siegel, Managing Attorney 11.50 hours @ \$500/hour 5750.00 April Aguilar, Paralegal 3.00 hours @ \$150/hour 450.00 Susan Lee, Staff Attorney I .50 hours @ \$300/hour 150.00 Toni Vargas, Staff Attorney .50 hours @ \$300/hour 150.00 TOTAL 6754.60 Thank you for the opportunity to be involved in the consumer participation program.

**Task Performed**

**Activity** Other  
**Activity Date** 9/7/2006  
**Amount Billed:** \$6500  
**Other Parties Involved:** National Health Law Program and Mr. Jesus Gonzalez - see statement above

**Subject Matter and Work Description:** DMHC Unfair Billing Practices Time and Charges Date Advocate Activity Work Description Time Spent Hourly Rate Amount Billed 9/7 BKS E-mail Review e-mail re: hearing posting, DMHC web .25 500 125 9/8 BKS Research, Review Proposed regulations 1.25 500 625 9/18 BKS Research CAPG materials other states on balance billing case law Prospect Medical Group 2.00 500 1000 9/18 BKS Prepare Initial Comments to Proposed Regulations 1.00 500 500 9/20 BKS Policy Meeting Unfair Billing Practices Regulation discussion .50 500 250 9/20 SL Policy Meeting Regulation discussion .50 300 150 9/20 TMV Policy Meeting Regulation discussion .50 300 150 9/20 BKS Database search Search for relevant clients for public hearing .75 500 375 9/20 BKS Review Proposed regulatory edits .50 500 250 9/22 BKS Meeting Meet with paralegals to discuss client contact calls .25 500 125 9/22 AA Meeting Meet with BKS to discuss client contact calls .25 150 37.50 9/22 AA Telephone call Contact identified clients .75 150 112.50 9/26 BKS Telephone call HCA call re: regs and comments 1.00 500 500 9/27 BKS Review Review proposed draft comments .50 500 250 9/27 AA Telephone call Call with Mr. Gonzalez to discuss hearing .25 150 37.50 9/28 AA Telephone call Call with Mr. Gonzalez to discuss hearing .50 150 75 9/28 BKS Review Proposed regulation changes 1.00 500 500 9/29 BKS Preparation Prepare Mr. Gonzalez for testimony .50 500 250 10/2 BKS Telephone Call HCA conference call re comments to regs 1.00 500 500 10/2 AA Telephone call Call with Mr. Gonzalez .50 150 75 10/3 AA Telephone call Call with Mr. Gonzalez .50 150 75 10/3 BKS Review Review Mr. Gonzalez' testimony .50 500 250 10/3 BKS Review Final letter, regulatory comments .50 500 250 10/4 AA Telephone call Call to Mr. Gonzalez post hearing .25 150 37.50 Hourly Rates: NLS Managing Attorney: \$500.00 NLS Supervising Attorney 350.00 NLS Staff Attorney 300.00 NLS Paralegal 150.00

**Time Spent:** 60.2 hours

**Receipts**

**Date of Purchase:** 10/2/2007  
**Item Purchased:** air line ticket  
**Vendor:** Southwest Airlines  
**Price:** \$254.6

**Description of how item purchased assisted in task:** Ticket was purchased to transport Mr. Gonzalez from LA to Sacramento for DMHC hearing.

**Date of Purchase:** 10/2/2006  
**Item Purchased:** airline ticket  
**Vendor:** Southwest Airlines  
**Price:** \$254.6

**Description of how item purchased assisted in task:** Airline ticket for Mr. Gonzalez to travel from LA to Sacramento for DMHC hearing

**Contact Information**

**Organization** Neighborhood Legal Services  
**Name** Barbara Frankel Siegel  
**Phone** 818-834-7572  
**Extension**  
**Email** Barbarasiegel@nls-la.org  
**Date Created** 4/19/2006 4:15:51 PM

**Address**

<b>Address Type</b>	Mailing Address
<b>Address</b>	13327 Van Nuys Blvd.
<b>Suite</b>	
<b>City, State, Zip</b>	Pacoima, CA, 91331-
<b>Address Type</b>	Physical Address
<b>Address</b>	13327 Van Nuys Blvd.
<b>Suite</b>	
<b>City, State, Zip</b>	Pacoiam, CA, 91331-
	<b>Governing Body</b>
<b>Title</b>	Deputy Director
<b>Name</b>	Yvonne Mariajimenez
<b>Address</b>	13327 Van Nuys Blvd
<b>City, State, Zip</b>	Pacoima, CA, 91331-
<b>Title</b>	Executive Director
<b>Name</b>	Neal Dudovitz
<b>Address</b>	13327 Van Nuys Blvd
<b>City, State, Zip</b>	Pacoima, CA, 91331-

## Hansen, Stephen

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**From:** Barbara Siegel [bfrankel@nls-la.org]  
**Sent:** Monday, December 01, 2008 4:17 PM  
**To:** Consumer Participation Program  
**Subject:** Re: Consumer Participation Fee Request

**Attachments:** Staff Attorney-II HCC\_1.doc; April Resume.doc; Job Description - Paralegal HCC.doc; Job Description- Managing Attorney.doc; Resume - Barbara.doc; Toni Marie Vargas bio.doc; Rodde-Findings of Facts on attys fees 2006.pdf; chart for motion 12-21-05 as of 1-11.doc



Staff Attorney-II  
HCC\_1.doc (...)



April Resume.doc  
(71 KB)



Job Description -  
Paralegal HC...



Job Description-  
Managing Atto...



Resume -  
Barbara.doc (36 KB)



Toni Marie Vargas  
bio.doc (28 ...)



Rodde-Findings of  
Facts on att...



chart for motion  
12-21-05 as o...

In response to your request below, please see attached items:

1. Resumes: Barbara Siegel, Toni Vargas and April Aguilar 2. Job Descriptions for each individual for which resumes are being submitted 3. To support the market rate for attorney fees, we submit two items: A Court Award of attorney fees in the case of Rodde v. Bonta, and the Lodestart data indicating the hourly rates charged by attorneys in the Rodde v. Bonta matter.

If you need anything else, please let me know.

Thank you for your patience in allowing additional time for me to forward this additional information to you.

Barbara Siegel  
Managing Attorney  
Neighborhood Legal Services  
13327 Van Nuys Blvd.  
Pacoima, California 91331

Tel: (818) 834-7572  
Fax: (818) 834-7552  
barbarasiegel@nls-la.org

>>> "Consumer Participation Program" <cpp@dmhc.ca.gov> 10/14/2008 10:29

>>> AM >>>

I received your application for an Award of Advocacy and Witness Fees, however we will need some more information.

1. We require a Description of how "Market Rate" was determined for hourly rate(s) claimed for each person who provided services for which the fee award is sought.
2. We will need the Name and Job description of each person who provided services for which the fee award is sought.
3. We will need a Biography or Resume indicating the years and type of experience for each individual for which the fee award is sought

Please get back to me with this information as soon as possible so we can process your request..

Candyce Dutro, SSA

(916) 324-0700

CDutro@dmhc.ca.gov

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From: Barbarasiegel@nls-la.org [mailto:Barbarasiegel@nls-la.org]  
Sent: Friday, October 10, 2008 10:06 PM  
To: Consumer Participation Program  
Subject: CPP Submission - Award of Advocacy and Witness Fees

Consumer Participation Program

A new 'Award of Advocacy and Witness Fees' has been submitted by Barbara Frankel Siegel. The tracking number is: 1223701438968.

**Neighborhood Legal Services-Los Angeles  
Job Description**

<b>Job Title</b>	Staff Attorney II, HCC (Health Consumer Center)
<b>Title Code</b>	Staff Attorney II
<b>Status</b>	Exempt
<b>Pay Grade</b>	Staff Attorney II
<b>Job Purpose</b>	The purpose of this position is to provide direct legal services to low income clients seeking a variety of health care services.

**Essential Job Functions**

<b>% of Time</b>	<b>Description</b>
<b>95% 1.</b>	<ul style="list-style-type: none"> <li>• Review all case intakes performed by the paralegal outstationed at L.A. Family Housing and prepare a plan for resolving the health coverage issues found during the intake.</li> <li>• Supervise the case work of the paralegal and will represent clients in dealing with health care program eligibility and benefits issues, including administration hearings as necessary.</li> <li>• Interview and counsel clients on health program enrollment, utilization and retention.</li> <li>• Determine if the intake information requires referral to another NLS advocacy group to assist with issues involving housing, government benefits, domestic violence, employment, and immigration.</li> <li>• Develop case handling protocols for this project.</li> <li>• Develop and conduct educational sessions for shelter residents on utilization and retention of health benefits.</li> <li>• Identify major homeless legal problems and apply his/her knowledge of poverty issues, strategies and possible solutions to engage in focused case representation that resolves poverty homeless legal problems associated with health care issues.</li> <li>• Meet with paralegal and Supervising or Managing Attorney on a bi-weekly basis and provide monthly case activity reports.</li> <li>• Maintain expertise on a range of health care access issues affecting low-income individuals</li> <li>• Perform on-going legal research, support and training to health care paralegal outstationed at L.A. Family Housing;</li> <li>• Represent individuals at fair hearings, grievance procedures, and in litigation;</li> <li>• Provide technical expertise on health care law to a range of community based organizations assisting the homeless</li> <li>• Participate in projects involving systemic or policy issues impacting large numbers of homeless and low-income health care consumers.</li> </ul>
<b>5 % 2.</b>	Drive to and from program offices, courts and other locations

<b>Supervision Given</b>	This position requires significant independent judgment and discretion related to a wide range of duties described above. Reports to Supervising Attorney, HCC.
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<b>Minimum Qualifications:</b>	Attorneys in the Staff Attorney classification must have knowledge of poverty law and community legal needs, and have demonstrated ability to handle focused case representation of a complex nature. An active member of the California State Bar with at least three years' experience in the practice of law, including in-depth experience and competence in
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	administrative law and lawyering skills, e.g., interviewing, researching and writing, drafting, negotiating, law and motion and discovery techniques, trial and appellate work.
<b>Training/Registration/ Licensure</b>	Juris doctorate degree from an ABA accredited Law School and current membership in the California Bar Association.
<b>Physical Effort</b>	The physical effort necessary to successfully accomplish the essential job functions.
<b>Mental Effort</b>	The mental effort necessary to successfully accomplish the essential job functions.
<b>Tools or Equipment Used</b>	Computer hardware telephone, fax, other office equipment to accomplish essential functions.
<b>Date</b>	February, 2007

# APRIL J AGUILAR

## SUMMARY OF QUALIFICATIONS

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- Highly inquisitive, motivated, creative and resourceful - self-directed/self-starter.
- Excellent skills in communication - written/oral and collaboration.
- Fluent written and spoken Spanish.
- Skilled at analyzing and assembling complex information and data, researching and preparing memoranda regarding the law, the facts, and the application of the law to those facts, managing litigation and administrative timelines.
- Good people skills and quick study and learner.
- Notary Public for the State of California.

## EDUCATION

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### **Inter Coast College, Burbank, CA.**

*Paralegal Certificate: Courses taken:* Contracts, Torts, Business Law, Property & Creditor's Rights, Family Law, Evidence, Civil Litigation and Discovery, Wills, Trusts, Probate Administration, Law Office Management, Legal Writing, Legal Research.

## PROFESSIONAL EXPERIENCE

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### **Neighborhood Legal Services**

**April 2006- Present**

#### *HCC Counselor/ Paralegal*

Answer questions regarding health care options to indigent families, as well as investigate and advise on issues such as medical debt, and health coverage. Work outreach events to promote health care.

### **Los Angeles Housing Department 2006**

**April 2003 - Jan.**

#### *Rent Investigator / Paralegal*

Investigate allegations of violations of the Rent Stabilization Ordinance (RSO), such as evictions based on false and deceptive practices, non-registration of property, illegal rental increases, and reduction of services. Conduct interviews with tenants, landlords, attorneys, inspectors, outside agencies and others involved in the RSO. Prepared written investigative and narrative reports for use by the City Attorneys Office for prosecution. Work on special projects related to the interpretation or amendment of the RSO and Los Angeles Housing Code. Conducted management training classes for the Apartment Association.

### **Van Nuys Legal Access Center 2002**

**Aug. 2002 - Dec.**

#### *Internship for Paralegal Training*

Assisted constituents with the preparation of legal documents for family law and Unlawful Detainer. Prepared files and conducted legal research.



**Financial Product Enterprises**

**July 2001 - April**

**2003**

*Office Manager*

Answered phones, greeted and assisted visitors, and handled general administrative duties, such as filing, faxing, copying and mailing. Supervise, manage and train office staff. Handled a few HR-related tasks, such new employee orientation, and paperwork.



<b>Position:</b>	<b>Consumer Health Counselor, HCC</b>
<b>Availability:</b>	Immediately; job location in Pacoima
<b>Salary:</b>	\$29,482 - \$44,195 salary commensurate with experience Eligible for full spectrum of benefits
<b>Duties and Responsibilities:</b>	The Consumer Health Counselor is trained to provide information and assistance on a wide range of issues related to health care access for low-income individuals including Medi-Cal, Healthy Families managed care, health care for the uninsured and medical debt. Will be out-stationed at least two days per week at a family homeless shelter.
<b>Qualifications:</b>	Background in public health or social services desired with a working knowledge of California health benefit programs and the various health care delivery systems in Los Angeles with experience serving the low-income population preferred. Paralegal certificate or a college degree with at least two (2) years working in a legal setting required. Bi-lingual speaking and writing skills in Spanish, Korean or Armenian required. Ability to work independently with minimal supervision. Excellent communication skills coupled with a passion and sensitivity with people in crisis situations required.
<b>Program Description:</b>	<p>The Health Consumer Center (HCC) is a project of Neighborhood Legal Services to provide assistance to low-income residents of Los Angeles with issues related to access to quality health care.</p> <p>Neighborhood Legal Services (NLS-LA) is one of Los Angeles County's leading public interest law offices and has been the primary legal aid program serving the San Fernando Valley for 40 years and the San Gabriel/Pomona Valleys since 2001. The NLS staff of 100+, including 40 lawyers, provides legal assistance to low-income individuals, families and groups in the areas of family law and domestic violence, housing, health care, education, public benefits, economic and job development, immigrant rights, consumer rights, and environmental justice. The NLS-LA Program offices are located in the cities of Glendale, Pacoima and El Monte.</p>
<b>To apply:</b>	Forward resume and cover letter with salary requirements to (no phone calls): Thomas Harang, Human Resources Director Neighborhood Legal Services of Los Angeles County 1102 E. Chevy Chase Drive Glendale, CA 91205 Fax: (818) 291-1790

**NLS is an equal opportunity employer and encourages applications from minorities, females, people with disabilities and veterans.**



Los Angeles County  
**NEIGHBORHOOD  
Legal Services**

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<b>Position:</b>	<b>Managing Attorney</b>
<b>Availability:</b>	Immediately; job location in Los Angeles area Frequent local travel required
<b>Salary:</b>	\$ - salary commensurate with experience Eligible for full spectrum of benefits
<b>Duties and Responsibilities:</b>	The Managing Attorney is responsible for project management and direction of legal work in one or more disciplines. Engages in selected affirmative legal and policy work in high impact areas. Co-ordinates development of training and resource materials. Conducts regular case reviews and performance evaluations and maintains a reasonable caseload consistent with administrative responsibilities. Responsible for legislative advocacy as he/she is an integral part of the program's senior management team. Requires cultivating positive ongoing relationships with the client, local agencies, legal community and local and regional non-profit organizations.
<b>Qualifications:</b>	A proven leader with a demonstrated track record and passionate commitment working with the low-income community. Creative attorney with management experience required to handle administrative proceedings and litigating in Federal Court; excellent communication skills – writing and oral advocacy with ability to communicate effectively with clients, staff, community organizations, attorneys and the public. Ability to conduct training programs for lawyers and manage legal work through subordinate supervising attorneys. Proficient in MS Office suite – Word, Excel PowerPoint. Bilingual speaking, writing and translation skills in Spanish, Asian Pacific Islander languages or Armenian highly preferred. A minimum of eight (8) years relevant experience and membership in the California Bar required.
<b>Program Description:</b>	Neighborhood Legal Services (NLS-LA) is one of Los Angeles County's leading public interest law offices and has been the primary legal aid program serving the San Fernando Valley for 40 years and the San Gabriel/Pomona Valleys since 2001. The NLS – LA staff of 100+, including 40 lawyers, provides legal assistance to low-income individuals, families and groups in the areas of family law and domestic violence, housing, health care, education, public benefits, economic and job development, immigrant rights, consumer rights, and environmental justice. The NLS - LA program offices are located in the cities of Glendale, Pacoima and El Monte.
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**NLS is an equal opportunity employer and encourages applications from minorities, females, people with disabilities and veterans.**



**Barbara Frankel Siegel**  
**16829 Edgar Street**  
**Pacific Palisades**  
**California, CA 90272**

**EDUCATION**

**Southwestern University School of Law, J.D. 1993**

Magna Cum Laude  
Law Review Executive Board  
Law Review Articles Editor  
Dean's List 1989-1993  
American Jurisprudence Awards, Criminal Constitutional  
Procedure and Business Organization

**U.C.L.A. School of Public Health**  
**Masters in Public Health, 1974**

**California State University, Northridge - U.C.L.A.**  
**Program in Physical Therapy**

B.S. Health Science, Cum Laude, June 1971  
Certificate of Physical Therapy, December 1971

**LEGAL WORK EXPERIENCE**

**Health Consumer Center - Neighborhood Legal Services**  
Managing Attorney 2004 - present  
Supervising Attorney, 1998 - present

**Bonne, Bridges, Mueller, O'Keefe & Nichols**  
Associate Attorney, 1993 - 1998

**L.A. County Public Defender's Office**  
Extern, Summer 1992

**Honorable Dickran Tevrizian**  
Judicial Extern, Summer 1991  
U.S. District Court

**OTHER PROFESSIONAL WORK EXPERIENCE**

**Claims Consultant, Blue Cross Insurance, 1985-1989**  
Foto-Inaba Consultants in Peer Review

**Instructor, Physical Therapy, 1978-1985**  
C.S.U.N. - U.C.L.A. Program in Physical Therapy

**Instructor, Physical Therapy B.S. and A.A. Programs, 1989-1985**  
Mt. St. Mary's College

**Supervisor, U.C.L.A. Out-Patient Physical Therapy Department, 1974-1978;**  
Staff Therapist 1973-1974

**Staff Therapist, 1972**  
Crippled Children's Services, Inglewood Treatment Unit

**PUBLICATIONS**

"The Impact of the Americans With Disabilities Act on Collective Bargaining Agreements," *Southwestern University Law Review*, Vol. 22 No. 1

**PROFESSIONAL AFFILIATIONS AND LICENSURES**

**California Bar Number 169209**  
Los Angeles County Bar Association  
San Fernando Valley Bar Association

**REFERENCES AVAILABLE UPON REQUEST**

Toni Marie Vargas, Attorney at Law

Ms. Vargas received her law degree from Thomas Jefferson School of Law in San Diego in 1996. She received a Masters Degree in Community Health Education and Biomedical Ethics from Old Dominion University in Norfolk, Virginia in 1990. Since her graduation from law school, Ms Vargas has worked as a public interest attorney in areas of elder law, health, housing and family law. She worked at Inland County Legal Services from 1996 to 1999, Bet Tzedek Legal Services from 1999 to 2003, and at Neighborhood Legal Services Health Consumer Center as a Staff Attorney Level II from 2003 to the present. The Health Consumer Center is a healthcare rights ombudsprogram for low income residents of Los Angeles County. HCC specializes in community education and resolving problems that affect access to healthcare with a special emphasis in advocating for Medi-Cal beneficiaries including representation at Medi-Cal Fair Hearings, assistance with benefit denials, eligibility terminations and plan grievances.

Ms. Vargas has extensive past experience in the health care field. Prior to obtaining her law degree, Ms. Vargas worked as Director of Patient Administrative Services in two of the largest teaching hospitals in Virginia. Her responsibilities included managing the Patient Business Office, third party insurance compliance, patient relations and inpatient and emergency room registration and account processing.

1 Jeffrey S. Davidson (State Bar No. 143633)  
2 Tony L. Richardson (State Bar No. 126230)  
3 Christopher J. Heck (State Bar No. 174647)  
4 **KIRKLAND & ELLIS LLP**  
5 777 South Figueroa Street, Suite 3700  
6 Los Angeles, California 90017  
7 Telephone: (213) 680-8400 ♦ FAX: (213) 680-8500  
8 E-mail: check@kirkland.com

FILED  
CLERK, U.S. DISTRICT COURT  
JAN 30 2006  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY

9 Eve Hill (State Bar No. 202178)  
10 Paula D. Pearlman (State Bar No. 109038)  
11 **DISABILITY RIGHTS LEGAL**  
12 **CENTER**  
13 919 Albany Street  
14 Los Angeles, California 90015-1211  
15 Telephone: (213) 736-1031 ♦ Fax: (213) 736-1428

16 Robert D. Newman (State Bar No. 86534)  
17 Kimberly Lewis (State Bar No. 144879)  
18 Richard A. Rothschild (State Bar No. 067356)  
19 **WESTERN CENTER ON LAW AND POVERTY**  
20 3701 Wilshire Boulevard, #208  
21 Los Angeles, California 90010-2809  
22 Phone: (213) 487-7211 ♦ Fax: (213) 487-0242

23 Attorneys for Plaintiffs  
24 [Additional counsel appear on next page]

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

25 SUSAN RODDE, KENNETH  
26 YOUNGER, AND ANTONIO  
27 GAXIOLA, et al.,

28 Plaintiffs,

v.

29 DIANA BONTA, R.N., DR. P.H.,  
30 Director of the State Department of  
31 Health Services, an Individual in Her  
32 Official Capacity; COUNTY OF LOS  
33 ANGELES, a public entity; THOMAS  
34 L. GARTHWAITE, M.D., Director and  
35 Chief Medical Officer of Defendant  
36 County's Department of Health  
37 Services; an individual in his official  
38 capacity; and DOES 1-10, inclusive,  
individual Defendants are sued in their  
official capacities,

Defendants.

Case No. CV 03-1580 FMC (PJWx)  
[Honorable Florence-Marie Cooper]

**FINDINGS OF FACT  
AND CONCLUSIONS OF LAW ON  
ATTORNEYS' FEES PORTION OF  
SETTLEMENT AGREEMENT  
(F.R.C.P. 23(h))**

Date: January 30, 2006  
Time: 11:00 a.m.  
Ctm: 750

LOGGED



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**Additional Counsel:**

Melinda Bird (State Bar No. 102236)  
Marilyn Holle (State Bar No. 61530)  
Maria F. Iriarte (State Bar No. 150704)  
**PROTECTION AND ADVOCACY, INC.**  
3580 Wilshire Boulevard, #902  
Los Angeles, California 90010-2512  
Telephone: (213) 427-8747 ♦ Fax: (213) 427-8767  
  
Gerald A. McIntyre (State Bar No. 181746)  
**NATIONAL SENIOR CITIZEN LAW CENTER**  
3435 Wilshire Boulevard, #2860  
Los Angeles, California 90010-1938  
Telephone: (213) 639-0930 ♦ FAX: (213) 639-0934

1 Pursuant to Rules 23(h) and 52 of the Federal Rules of Civil Procedure, the  
2 Court finds and concludes as follows:

3 **Findings of Fact**

4 1. This lawsuit was filed in March 2003 to prevent closure of Rancho  
5 Los Amigos Rehabilitation Center ("Rancho"), an acclaimed facility for treatment  
6 of persons with severe disabilities and chronic illnesses. Plaintiffs represent a  
7 certified class of Medi-Cal recipients who receive care at Rancho.

8 2. Plaintiffs obtained a preliminary injunction that prevented  
9 closure of Rancho, and the injunction was affirmed on appeal. *Rodde v. Bonta*,  
10 357 F.3d 988 (9<sup>th</sup> Cir. 2004). Plaintiffs then secured a Settlement Agreement that  
11 protected the right to continued treatment for themselves and members of the  
12 plaintiff class. Plaintiffs are prevailing parties in this litigation.

13 3. This lawsuit vindicated rights protected by the Americans with  
14 Disabilities Act and the Medicaid Act.

15 4. The hours claimed by plaintiffs in this litigation, as modified by  
16 counsel's five percent voluntary billing judgment reduction, are reasonable. This  
17 case required plaintiffs' counsel to make a massive factual showing, including  
18 numerous expert declarations, concerning the likely effect of the closure of  
19 Rancho on persons with disabilities and chronic illnesses. Counsel also needed to  
20 analyze and brief in this Court and the Ninth Circuit major issues of first  
21 impression concerning the applicability of the Americans with Disabilities Act and  
22 the Medicaid Act. Plaintiffs' attorneys then engaged in detailed and lengthy  
23 negotiations resulting in a comprehensive Settlement Agreement that protects the  
24 interests of the plaintiff class. Throughout the litigation, counsel's presentation  
25 was thorough and persuasive. The quality of representation was excellent.

26 5. The hourly rates claimed by plaintiffs are reasonable. The rates are  
27 justified by substantial evidence of the customary rates charged by private  
28 attorneys with comparable experience; rates awarded in other cases, including to

1 plaintiffs' counsel; the novelty and difficulty of the issues presented; the  
2 extraordinary qualifications of many of plaintiffs' counsel; and the excellence of  
3 the representation.

4 6. Plaintiffs' counsel reasonably incurred \$63,649 in costs and out-of-  
5 pocket litigation expenses in this case.

6 **Conclusions of Law**

7 1. Plaintiffs are entitled to an award of attorneys' fees, costs and  
8 litigation expenses under 42 U.S.C. § 12205 and 42 U.S.C. § 1988.

9 2. The \$1,750,000 agreed to by the parties in ¶ 25 of the Settlement  
10 Agreement is fair and reasonable.

11  
12 DATED: JAN 30 2006

13  
14  
15  
16 FLORENCE-MARIE COOPER

17  
18 United States District Judge

**RODDE V. BONTA**

**LODESTAR THROUGH 2005**

<b>Program/Attorney/ Advocate</b>	<b>Law School Graduation Year</b>	<b>Hours Claimed</b>	<b>Hourly Rate</b>	<b>Total</b>
<i>Protection &amp; Advocacy</i>				
Melinda Bird	1978	574.45	\$530	\$304,458.50
Marilyn Holle	1974	622.90	\$550	\$342,595.00
Maria Iriarte	1988	464.60	\$430	\$199,778.00
Hillary Sklar	Paralegal	204.80	\$125	\$20,480.00
<i>PAI Subtotal</i>				<b>\$867,311.50</b>
<i>Disability Rights Legal Center</i>				
Paula Pearlman	1982	576.30	\$505	\$291,031.50
Felicia Yearwood	1990	59.50	\$410	\$24,395.00
Eve Hill	1989	69.40	\$425	\$29,495.00
Carolyn Young	1997	44.40	\$335	\$14,874.00
Law Clerks	Law Students	457.00	\$125	\$57,125.00
<i>DRLC Subtotal</i>				<b>\$416,920.50</b>
<i>Kirkland &amp; Ellis</i>				
Jeffrey S. Davidson	1973	151.00	\$560	\$84,560.00
Mike Dobszewicz	Legal Assistant	7	\$125	875.00
Tony Richardson	1984	364.25	\$490	\$178,482.50
Emelda Basallo	Case assistant	1.50	\$125	\$187.50

Eve Crowell	2002	86.75	\$275	\$23,856.25
Joseph Graham	1993	176.00	\$390	\$68,640.00
Shannon Hansen	1994	36.50	\$375	\$13,687.50
Christopher Heck	1994	424.50	\$375	\$159,187.50
Antoinette Huerta	Case assistant	77.25	\$125	\$9,656.25
Valerie Hung Leung	2002	25.00	\$275	\$6,875.00
Coleen Kalbacher	2002	12.00	\$275	\$3,300.00
E. Thanh Knudson	Legal Assistant	17.50	\$125	\$2,187.50
Felix Lebron	2004	94	\$260	\$24,440.00
Lib Bibliographic Research		1.50	\$125	\$150.00
Allison M. Andrews	Legal Assistant	45.75	\$125	\$5,718.75
Stephen McClain	1996	96.75	\$350	\$33,862.50.50
Tamara McKen	2002	16.50	\$275	\$4,537.50
Jonathan Phillips	Law Clerk	1.00	\$125	\$125.00
James Ransom	1998	17.75	\$330	\$5,857.50
<i>K&amp; E Subtotal</i>				\$626,186.25
<i>National Senior Citizens Law Center</i>				
Gerald McIntyre	1967	127.6	\$585	\$74,646.00
Jeanne Finberg	1979	7.7	\$525	\$4,042.50
<i>NSCLC Subtotal</i>				\$78,688.50
<i>Western Center on Law and Poverty</i>				

Robert Newman	1977	442.8	\$540	\$239,112.00
Kim Lewis	1989	201.9	\$425	\$85,807.50
Richard Rothschild	1975	40.4	\$545	\$22,018.00
Jennifer Flory	Law Student	11.2	\$125	\$1,400.00
<i>WCLP Subtotal</i>				\$348,337.50
<b>TOTAL</b>				\$2,337,444.20
<b>GRAND TOTAL WITH 5% BILLING JUDGMENT REDUCTION</b>				\$2,220,572

**RODDE V. BONTA**

**LODESTAR THROUGH 2005**

*Neighborhood Legal Services does not have an attorney fee scale because our federal funding from the federal Legal Services Corporation prevents us from accepting fees from our clients. However, to support our request for attorney fees in this Consumer Participation Matter, we are submitting information on a fee award approved for a sister agency, Western Center on Law & Poverty for the Rodde v. Bonta case. The hourly rate for several attorneys who worked on this case is comparable to the hourly rate for Neighborhood Legal Services' attorneys who submitted billing on this Consumer Participation Matter. Please note that while Ms. Siegel and Ms. Vargas may have graduated law school after some of the senior attorneys who submitted claims in the Rodde case, both Ms. Siegel and Ms. Vargas also have other relevant degrees, i.e. Ms. Siegel has a Masters in Public Health and Ms. Vargas has a Masters Degree in Community Health Education and Biomedical Ethics. We therefore believe that the requested hourly rates for Ms. Siegel and Ms. Vargas are reasonable and within the community standard for attorneys of their training, education and experience.*

<b>Program/Attorney/ Advocate</b>	<b>Law School Graduation Year</b>	<b>Hours Claimed</b>	<b>Hourly Rate</b>	<b>Total</b>
<b><i>Protection &amp; Advocacy</i></b>				
Melinda Bird	1978	574.45	\$530	\$304,458.50
Marilyn Holle	1974	622.90	\$550	\$342,595.00
Maria Iriarte	1988	464.60	\$430	\$199,778.00
Hillary Sklar	Paralegal	204.80	\$125	\$20,480.00
<b><i>PAI Subtotal</i></b>				<b>\$867,311.50</b>
<b><i>Disability Rights Legal Center</i></b>				
Paula Pearlman	1982	576.30	\$505	\$291,031.50
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<b><i>WCLP Subtotal</i></b>				<b>\$348,337.50</b>
<b>TOTAL</b>				<b>\$2,337,444.20</b>
<b>GRAND TOTAL WITH 5% BILLING JUDGMENT REDUCTION</b>				<b>\$2,220,572</b>

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