

## **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

*Christensen, et al. v. Miner, et al.*  
Case No. 2:18-CV-0037-DAK-EJF

You may be affected by the settlement of a class action lawsuit called *Christensen, et al. v. Miner, et al.*, Case No. 2:18-CV-0037-DAK-EJF. This notice summarizes the claims in the lawsuit, what the settlement entails, and your rights under the settlement.

The Court has scheduled a hearing to consider the settlement on October, 17 2019 at 3:00 P.M. before the Honorable Judge Dale A. Kimball at Courtroom 3.400, United States District Court for the District of Utah, 351 South West Temple, Salt Lake City, Utah 84101. This hearing is referred to as the Final Settlement Approval Hearing.

### **SUMMARY OF THE LAWSUIT**

The issue in this lawsuit is whether the State of Utah has failed to provide sufficient access to care in community-based settings to Class Members throughout the State.

A Class Member is any person with an intellectual and/or developmental disability who is eligible for Medicaid, resides in a private intermediate care facility (“ICF”) in Utah on or after January 12, 2018 and prior to the termination of this lawsuit, has “expressed an interest” in living in the community, and is capable of living in a home or other community-based setting.

The lawyers representing class members (“Class Counsel”) are Laura Henrie, Mary Anne Davies, and Nate Crippes of the Disability Law Center, 205 North, 400 West, Salt Lake City, UT 84103, and Juliette White and Cedar Cosner of Parsons Behle & Latimer, 201 South Main Street, Suite 1700, Salt Lake City, UT 84101.

### **DESCRIPTION OF THE PROPOSED SETTLEMENT AGREEMENT**

The Plaintiffs and the State of Utah have reached a settlement that would release the State from any further liability related to these claims. The Settlement Agreement requires the State and its agencies (the “Defendants”) to do the following, subject to Court approval:

- Defendants will improve upon education and in-reach for individuals residing in private ICFs, in an effort to better inform residents about their community-based service options.
- Defendants will pursue statutory changes with the objective of imposing a permanent moratorium on licensing additional beds in private ICFs in Utah.
- Defendants will establish policies and procedures to serve the unique needs of individuals under the age of 22 that reside in private ICFs in Utah.
- In the five years following Court approval, Defendants will endeavor to transition at least 250 Class Members from private ICFs to community-based services.
- In the five years following Court approval, Defendants will reduce the total number of licensed private ICF beds to 465.

The settlement also creates a system to monitor Defendants’ compliance with the Settlement Agreement and requires the Plaintiffs and the Defendants to share payment of fees to the court-approved monitor.

You have the right to learn more about the settlement. A copy of the preliminarily-approved Settlement Agreement is enclosed with this Notice. If you are unable to read or understand the Settlement Agreement, please contact Class Counsel.

### **OBJECTIONS OR COMMENTS TO THE PROPOSED SETTLEMENT**

The United States District Court for the District of Utah has preliminarily approved the Settlement Agreement but will hold a Final Settlement Approval Hearing to determine whether it is fair, reasonable, and adequate on October 17, 2019 at 3:00 P.M. in Rm. 3.400 of the federal courthouse located at 351 South West Temple, Salt Lake City, Utah 84101.

Class Members have a right to object to the terms of the settlement. If you have objections, comments, or statements about the proposed Settlement Agreement, you must make them in writing using the attached “Response to Proposed Class Action Settlement” form or your own paper. A self-addressed stamped envelope is included for your convenience. Written objections, comments, and statements should be sent to the following address: **Disability Law Center, 205 N 400 W, Salt Lake City, UT 84103**. Objections must be submitted or postmarked no later than **August 16, 2019**.

Objections **must** include all of the following information:

- (1) The objector’s contact information (name, address);
- (2) An explanation of the basis for the objector’s objection to the Settlement Agreement; and
- (3) Whether the objector intends to appear at the Final Settlement Approval Hearing on October 17, 2019 at 3:00 P.M.

All information submitted to Class Counsel will be provided to counsel for the State of Utah and the District Court in advance of the Final Settlement Approval Hearing. It is not necessary for Class Members to appear at the Final Settlement Approval Hearing. Any Class Member who has submitted a timely objection as provided above and who wishes to appear at the Final Settlement Approval Hearing must give notice by calling the Disability Law Center, sending notice in writing, or using the attached “Response to Proposed Class Action Settlement” form. Objectors may withdraw their objections at any time. **Any objections, comments, or statements that do not comply with the above procedures and timeline will not be heard or considered by the Court.**

### **HOW TO GET MORE INFORMATION**

This is a summary of the Settlement Agreement. If you have any questions about the matters contained in this notice or any questions regarding the settlement, you may write or call Class Counsel below:

DISABILITY LAW CENTER  
205 North 400 West  
Salt Lake City, UT 84103  
(801) 363-1347  
Toll Free: (800) 662-9080

<http://disabilitylawcenter.org/class-action-lawsuit-community-integration-people-disabilities/>

**RESPONSE TO PROPOSED CLASS ACTION SETTLEMENT**  
**Christensen, et al. v. Miner, et al., Case No. 2:18-CV-00037-DAK-EJF**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
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Objections/Comments/Statements:

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**Do you want to provide oral testimony to the Court regarding the settlement? Yes  No**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_