



CDCAN REPORT

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CALIFORNIA DISABILITY COMMUNITY ACTION NETWORK

ADVOCACY WITHOUT BORDERS: ONE COMMUNITY –

ACCOUNTABILITY WITH ACTION

California Disability Community Action Network Disability Rights News goes out to over 50,000 people with disabilities, mental health needs, seniors, traumatic brain & other injuries, veterans with disabilities and mental health needs, their families, workers, community organizations, including those in Asian/Pacific Islander, Latino, African American communities, policy makers and others across California.

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BREAKING NEWS:

US 9TH CIRCUIT COURT OF APPEALS RULES AGAINST SCHWARZENEGGER ADMINISTRATION ON IHSS WORKER WAGE LAWSUIT UPHOLDS LOWER FEDERAL COURT'S INJUNCTION THAT BLOCKED REDUCTION OF STATE PARTICIPATION OF IHSS WAGE

SACRAMENTO, CALIF (CDCAN) [Updated 03/03/2010 11:40 AM (Pacific Time)] - The US 9th Circuit Court of Appeals today issued a decision that ruled against the Schwarzenegger Administration and upheld Federal District Court Judge Claudia Wilken's injunction that has blocked – since June 2009 – the reduction in the State's participation toward In-Home Supportive Services worker wages. The 9th Circuit Court decision means the injunction – the court order that has blocked the cut from being implemented – remains in place.

The court's concluded in its 21 page opinion that:

"The district court properly determined that Section 30(A) of the [federal] Medicaid Act applies to the State's enactment of California Welfare & Institutions Code Section 12306.1(d)(6). The district court correctly held that Plaintiffs demonstrated a likelihood of success on the merits of their Supremacy Clause claim, and did not abuse its discretion in holding that the balance of hardships tips sharply in Plaintiffs' favor. Accordingly, we affirm the district court's order granting the motion for a preliminary injunction."

A copy of the 21 page opinion, in the case *Dominguez, et al v. Schwarzenegger, et al* (formerly *Martinez v. Schwarzenegger, et al*), case number 09-16359 (original lawsuit in federal district court case number CV-02306-CW), written by 9th Circuit Court Judge Milan D. Smith, Jr., is attached to this CDCAN Report and also can be viewed or downloaded from the CDCAN website at www.cdcan.us The 21 page pdf file attachment – which can be "read" using reader devices – is titled "CDCAN-9thCircuitCourtDecisionMarch03201.pdf"

The decision is a setback to the Schwarzenegger Administration, which on Monday won a ruling from the California State Court of Appeals on the issue of the Governor's line item vetoes, which that court declared was constitutional. The State could decide to appeal the 9th Circuit Court's ruling to the US Supreme Court – the final court that the Schwarzenegger Administration has left to appeal.

Other appeals relating to In-Home Supportive Services and other reductions to health and human services filed in federal court – including narrowing of eligibility using “functional index score” assessment tools, are still pending appeal.

More details later today.

URGENT!!!!

PLEASE HELP CDCAN CONTINUE ITS WORK!!!

We need your help. CDCAN Townhall Telemeetings, reports and alerts and other activities cannot continue without your help.

To continue the CDCAN website, the CDCAN News Reports. sent out and read by over 50,000 people and organizations, policy makers and media across California and to continue the CDCAN Townhall Telemeetings which since December 2003 have connected thousands of people with disabilities, seniors, mental health needs, people with MS and other disorders, people with traumatic brain and other injuries to public policy makers, legislators, and issues.

Please send your contribution/donation (make payable to "CDCAN" or "California Disability Community Action Network):

CDCAN

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paypal on the CDCAN site is not yet working – will be soon.

MANY, MANY THANKS TO the Easter Seals, California Association of Adult Day Health Centers, Valley Mountain Regional Center, Toward Maximum Independence, Inc (TMI), Friends of Children with Special Needs, UCP of Los Angeles, Ventura and Santa Barbara Counties, Southside Arts Center, San Francisco Bay Area Autism Society of America, Hope Services in San Jose, FEAT of Sacramento (Families for Early Autism Treatment), RESCoalition, Sacramento Gray Panthers, Easter Seals of Southern California, Tri-Counties Regional Center, Westside Regional Center, Regional Center of the East Bay, UCP of Orange County, Alta California Regional Center, Life Steps, Parents Helping Parents, Work Training, Foothill Autism Alliance, Arc Contra Costa, Pause4Kids, Manteca CAPS, Training Toward Self Reliance, UCP, California NAELA, Californians for Disability Rights, Inc (CDR) including CDR chapters, CHANCE Inc, , Strategies To Empower People (STEP), Harbor Regional Center, Asian American parents groups, Resources for Independent Living and many other Independent Living Centers, several regional centers, People First chapters, IHSS workers, other self advocacy and family support groups, developmental center families, adoption assistance program families and children, and others across California.