

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.

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22 //  
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1 RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of September, 2021.

2  
3 **For Plaintiffs:**

4 **DISABILITY RIGHTS WASHINGTON**

5 /s/Susan Kas

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1 **II. ORDER**

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

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

5 ENTERED this \_\_\_\_\_ day of September, 2021.

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UNITED STATES MAGISTRATE JUDGE/  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> 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](mailto:Angela.CoatsMcCarthy@atg.wa.gov))
- Eric Nelson ([Eric.Nelson@atg.wa.gov](mailto:Eric.Nelson@atg.wa.gov)).

Dated this 2<sup>nd</sup> day of September 2021.

*/s/Mona Rennie*  
\_\_\_\_\_  
Legal Assistant, Disability Rights Washington