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ORIGINAL FILED
SEP 03 1996
LOS ANGELES
SUPERIOR COURT

10 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 **ROSALEEN RAMIREZ, A Minor, By and**
13 **through her Guardian Ad Litem,**
14 **Hermelinda Luis Antonio, Mother,**

15 **Petitioner,**

16 **vs.**

17 **S. KIMBERLY BELSHE, DIRECTOR OF**
18 **THE DEPARTMENT OF HEALTH**
19 **SERVICES, State of California;**
20 **DEPARTMENT OF HEALTH**
21 **SERVICES, State of California,**

22 **Respondents.**

CASE NO.: BS 036508

JUDGMENT

23 The Petition for Writ of Mandate in the above-captioned matter was heard on June 26,
24 1996 at 9:30 a.m., before the Honorable Judge Diane Wayne in Department 86 of the Los
25 Angeles Superior Court. Having heard the petition it is so ordered as follows:

26 The Petition for Writ of Mandate was granted pursuant to CCP §1085. Petitioner
27 demonstrated that respondent's reliance upon the directives contained in all County Letters 93-84
28 and 94-99 ("Letters") was arbitrary, capricious and not in conformity with the law. The
directives contained in Letters 93-84 and 94-99 are invalid "underground regulations" which
were not adopted pursuant to the Administrative Procedures Act, Government Code § 11340 et
seq. ("APA").

The Petition for Writ of Mandate is also granted pursuant to CCP §1094.5. The court

1 found that respondent's abused their discretion in denying petitioner's authorized representative
2 full access to petitioner's case file.

3 Respondents are ordered to:

- 4 (1) Refrain from implementing, executing or effecting the directives
5 contained in All County Welfare Director Letters 93-84 and 94-
6 99, which serve to limit, restrict or otherwise diminish the power
7 of scope of attorney's acting as authorized representative for Medi-
8 Cal claimants and to allow attorneys' access to client's records as
9 authorized by Welfare & Institutions Code §10850.2, Manual of
10 Policies and Procedures §§19-005 and 19-006, and rule or
11 regulations subsequently adopted by respondents pursuant to the
12 APA, and as otherwise provided by state law; and
13 (2) Adopt all future regulations relating to the power or scope of
14 attorney representation of Medi-Cal claimant's in accordance with
15 the requirements of APA.
16 (3) Grant access to petitioner's AR to her files.

17 SEP 03 1996

18 DATED: ~~July 12, 1996~~

19 DIANE WAYNE

20 JUDGE DIANE WAYNE
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1 PROOF OF SERVICE BY MAIL OR HAND DELIVERY
2 (CCP§1013a)

3 I am employed in the County of Los Angeles, State of California. I am over the age of
4 18 and not a party to the within action. My business address is 13412 Ventura Boulevard, Suite
5 300, Sherman Oaks, California, 91423-3965.

6 On July 23, 1996 I served the foregoing document described as JUDGMENT on all
7 other parties to this action by placing a true copy of the above document enclosed in a sealed
8 envelope addressed as follows:

9 Daniel E. Lindgren, Attorney General - Robin T. Gertler, Deputy Attorney General - 300 South
10 Spring Street, Suite 5212 - Los Angeles, CA 90013 (Attorney for State of California)

11 (x) BY MAIL - I caused such envelope with postage thereon fully prepaid to be placed
12 in the United States mail at Sherman Oaks, California.

13 () BY HAND DELIVERY - I caused such envelope to be delivered by hand to the
14 offices of the addressee.

15 Executed on July 23, 1996 at Sherman Oaks, California.

16 I declare under penalty of perjury under the Law of the State of California that the above
17 is true and correct.

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19 GLORIA FUENTES
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