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CALIFORNIA ALLIANCE OF CHILD AND FAMILY
12 SERVICES

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

17 CALIFORNIA ALLIANCE OF CHILD AND
FAMILY SERVICES,

18 Plaintiff,

19 v.

20 JOHN WAGNER, Director of the California
Department of Social Services, in his official
21 capacity; GREGORY ROSE, Deputy Director of
the Children and Family Services Division of the
22 California Department of Social Services, in his
official capacity,

23 Defendants.
24

Case No. CV 09-04398 (MHP)

**PLAINTIFF CALIFORNIA
ALLIANCE OF CHILD AND
FAMILY SERVICES' NOTICE OF
MOTION FOR PRELIMINARY
INJUNCTION**

Date: November 13, 2009
Time: 10:00 a.m.
Ctrm: 15

Complaint filed: September 18, 2009

1 TO DEFENDANTS JOHN WAGNER AND GREGORY ROSE, IN THEIR OFFICIAL
2 CAPACITIES (“DEFENDANTS”), AND THEIR ATTORNEY(S) OF RECORD:

3 PLEASE TAKE NOTICE THAT on November 13, 2009, at 10:00 a.m., in Courtroom 15
4 of the United States District Court for the Northern District of California, located at 450 Golden
5 Gate Avenue, San Francisco, California, Plaintiff California Alliance of Child and Family
6 Services (the “Alliance”), will and hereby does move for a Preliminary Injunction pursuant to
7 Rule 65 of the Federal Rules of Civil Procedure and Civil Local Rules 65-2.

8 This Motion is brought pursuant to the Court’s November 4, 2009 Order granting the
9 Alliance’s Application for Temporary Restraining Order and Order to Show Cause Regarding
10 Preliminary Injunction. (Docket No. 45.) In its Order, the Court set a briefing schedule and a
11 hearing date for the Alliance’s Motion for November 13, 2009. This Motion asks the Court to
12 restrain and preliminarily enjoin Defendants, and each of them, from implementing the ten
13 percent reduction in the foster care maintenance payments made to foster care providers pursuant
14 to Assembly Bill ABX4 4 (which is part of the Budget Act of 2009) and taking any other act
15 calculated to or likely to reduce the foster care maintenance payments to foster care providers.

16 This Motion is made on the grounds that the Alliance and its member agencies are likely
17 to succeed on the merits and irreparable injury will result to the Alliance’s members, and the
18 foster children they serve, if the payment reduction is allowed to take effect. In addition, the
19 balance of hardships weighs sharply in the Alliance’s favor, and it is in the public interest that
20 temporary restraining order be issued. This Application is based on this Notice of Motion, the
21 accompanying Memorandum of Points and Authorities, the Declarations of Doug Johnson,
22 William F. Abrams, Susan Lemieux, William Martone, Andrew Diamond, Jim Martin, Chris
23 Stoner-Mertz, Charles Rich and Robert Di Stefano and the Supplemental Declaration of Doug
24 Johnson filed in support of the Alliance’s *Ex Parte* Application for Temporary Restraining Order
25 and Order to Show Cause Regarding Preliminary Injunction, the Complaint filed in this matter
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1 (Docket Nos. 1, 8-16, 31), and on such further evidence and argument as may be presented at the
2 hearing.

3
4 DATED: November 4, 2009

Bingham McCutchen LLP

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6 By: /s/ William F. Abrams

7 William F. Abrams

8 Attorneys for Plaintiff

9 CALIFORNIA ALLIANCE OF CHILD AND

10 FAMILY SERVICES