

1998 WL 141325

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United States District Court, C.D. California.

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, et al., Plaintiffs,

v.

Pete WILSON, et al., Defendants.
Children Who Want an Education, et al., Plaintiffs,

v.

Pete Wilson, et al., Defendants.
Barbara Ayala, et al., Plaintiffs,

v.

Pete Wilson, et al., Defendants.
Gregorio T., by and through his guardian ad litem,
Jose T.; et al., Plaintiffs,

v.

Pete Wilson, et al., Defendants.
Carlos P. et al., Plaintiffs,

v.

Pete Wilson, et al., Defendants.

Nos. 94-7569 MRP, 94-7570 MRP, 94-7571
MRP, 94-7652 MRP, 95-0187 MRP.

|
March 13, 1998.

Opinion

PFAELZER, J.

*1 n accordance with the Court's Opinion of November 20, 1995, *League of United Latin American Citizens v. Wilson*, 908 F.Supp. 755 (C.D.Cal.1995); March 13, 1998 Amended Memorandum of Law Re: Remaining Issues in Consolidated Cases; and March 13, 1998 Orders,

It is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. Sections 1, 4, 5, 6, 7, 8 and 9 of Proposition 187 are declared to be in violation of the Supremacy Clause, preempted by federal law, and of no force or effect.

2. Defendants, their agents, employees, and successors in office are permanently enjoined from implementing and enforcing—

a) the benefits denial, classification, verification, notification and reporting provisions of California

Proposition 187, section 5(b) and (c), codified at Cal. Welf. & Inst.Code § 10001.5(b) and (c); section 6(b) and (c), codified at Cal. Health & Safety Code § 130(b) and (c); section 8(a), (b) and (c), codified at Cal.Educ.Code § 66010.8(a), (b) and (c), on the ground that these sections are preempted by the PRA, codified at 8 U.S.C. §§ 1601 et seq.;

b) the notification and reporting provisions of California Proposition 187, section 4(a), (b) and (c), codified Cal.Penal Code § 834b(a), (b) and (c); section 8(c), codified at Cal.Educ.Code § 66010.8(c); and section 9, codified at Cal. Gov't Code § 53069.65, on the grounds set forth in the Court's Opinion of November 20, 1995, *League of United Latin American Citizens v. Wilson*, 908 F.Supp. 755 (C.D.Cal.1995);

c) California Proposition 187, section 1, section 5(a), codified at Cal.Welf. & Inst.Code § 10001.5(a), an section 6(a) and 6(d), codified at Cal. Health & Safety Code § 130(a) and (d), on the ground that these provisions are not separately enforceable; and

d) California Proposition 187, section 7, codified at Cal.Educ.Code § 48215, on the grounds set forth in the Court's Opinion of November 20, 1995, *League of United Latin American Citizens v. Wilson*, 908 F.Supp. 755 (C.D.Cal.1995).

3. Defendants shall, within 60 days of the date this Judgment is filed, distribute copies of this Judgment to all state and local agencies, personnel, and health care workers affected by the above-named sections of Proposition 187. Any accompanying notice shall instruct that the enjoined sections of Proposition 187 are not to be implemented. Notice as described herein shall be provided:

a. by the Attorney General to all California District Attorneys, Police Chiefs and Sheriffs;

b. by the Department of Health Services to its employees, all counties, all Medi-Cal licensed providers, and all publicly-funded health care facilities licensed by the Department of Health Services;

c. by the Department of Social Services to all County Welfare Departments;

d. by the Superintendent of Public Instruction to the governing board of each California school district and to the Superintendent of Education of each district;

e. by the President of the University of California to the administration of each University of California campus;

*2 f. by the Chancellor of the California State University to the administration of each California State University campus;

g. by the Chancellor of the California Community Colleges to the administration and/or governing board of every community college;

h. by the Governor to all counties, cities and all persons and entities not included in “a” through “g” above, which were provided with the Governor’s Executive Order dated November 9, 1994 regarding Proposition 187.

4. The Court finds that the plaintiff class provisionally certified in this action by order of the Court filed January 18, 1995, is permanently certified upon the findings set forth in that order. This Judgment shall issue in favor of and be permanently enforceable by the members of the certified plaintiff class.

5. Section 2, section 3 and section 10 of Proposition 187 are enforceable.

All Citations

Not Reported in F.Supp., 1998 WL 141325