

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LYDIA DOMINGUEZ, et al.,	No. C 09-02306 CW
Plaintiffs,	ORDER GRANTING
v.	PLAINTIFFS'
ARNOLD SCHWARZENEGGER, et al.,	APPLICATION FOR A
Defendants.	TEMPORARY
	RESTRAINING ORDER
	AND ORDER TO SHOW
	CAUSE WHY
	PRELIMINARY
	INJUNCTION SHOULD
	NOT ISSUE

IT IS HEREBY ORDERED that, pending an order by the Court as to whether a preliminary injunction should issue, Defendants ARNOLD SCHWARZENEGGER, Governor of the State of California; JOHN A. WAGNER, Director of the California Department of Social Services; DAVID MAXWELL-JOLLY, Director of the California Department of Health Care Services; JOHN CHIANG, California State Controller; FRESNO COUNTY; and FRESNO COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY; and their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them, are HEREBY RESTRAINED AND PROHIBITED from implementing the Fresno County rate change reducing hourly wages of IHSS providers from \$10.25 to \$8.00 and benefits from \$0.85 to \$0.60, and Defendants WAGNER and MAXWELL-JOLLY SHALL HEREBY RESCIND their

1 approval of such rate change request. This rescission must be in  
2 writing and be sent to Fresno County within one business day from  
3 the date of this order. At the same time, a copy shall be  
4 submitted to Plaintiffs' counsel and to the Court, along with a  
5 declaration under penalty of perjury verifying that it was sent.

6 IT IS FURTHER ORDERED that all Defendants take all actions  
7 necessary to ensure that no providers' wages are reduced to the  
8 \$8.00 per hour wage rate and \$0.60 per hour benefit contribution.  
9 To the extent that Defendants have already taken action in  
10 preparation for implementing the new rate, Defendants shall take  
11 all steps necessary to reverse such actions. State Defendants are  
12 ordered to complete updating the Case Management, Information and  
13 Payrolling System ("CMIPS") within five business days from the date  
14 of this order so that it reflects the \$10.25 per hour wage rate for  
15 IHSS providers in Fresno County. Within seven business days from  
16 the date of this order, State Defendants shall serve and file a  
17 declaration verifying that they have complied with this order.

18 The papers submitted by Plaintiffs in support of their  
19 temporary restraining order request will be deemed to be their  
20 motion for a preliminary injunction. Because the temporary  
21 restraining order will remain in effect until the Court issues an  
22 order as to whether a preliminary injunction should issue,  
23 Defendants may file their opposition to the motion for a  
24 preliminary injunction whenever they wish. However, State and  
25 Fresno Defendants shall coordinate their oppositions and file them  
26 on the same date. Plaintiffs shall reply within one week of the  
27 filing of Defendants' oppositions. The motion will be decided on  
28 the papers unless a hearing date is set by the Court.

A reasoned written order will follow.

IT IS SO ORDERED.

Dated: 06/29/10



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CLAUDIA WILKEN  
United States District Judge