

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

<p>MELINDA FISHER, S.G. by and through her guardian, B.R. by and through his guardian, M.R.M. by and through his guardian, M.S.M. by and through her guardian, and NEAL SIEGEL, on behalf of themselves and all others similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>KIM REYNOLDS, in her official capacity as Governor of Iowa; JERRY FOXHOVEN, in his official capacity as Director of the Iowa Department of Human Services,</p> <p>Defendants.</p>	<p>Case No. 4:17-cv-00208-RGE-CFB</p> <p>MOTION FOR PRELIMINARY INJUNCTION AND REQUEST FOR HEARING</p>
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Come now Plaintiffs and move the Court, individually and on behalf of the putative class members, for a preliminary injunction to enjoin Defendants from reducing or terminating the home and community-based waiver services of the named plaintiffs and the putative class members in violation of the Fourteenth Amendment of the U.S. Constitution, the Iowa Constitution, the Medicaid Act, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. In addition, Plaintiffs move the Court to order Defendants to reinstate services that have been denied, reduced, or terminated to the higher level of service the plaintiffs and class members had prior to the forced changes in their services. The reasons for this motion are set forth fully in the attached Brief, Attachments and Declarations.

WHEREFORE, Plaintiffs move the Court to:

- A. Issue an order that preliminarily enjoins Defendants, their successors and agents, from denying, reducing or terminating the Medicaid services of the Plaintiffs and the putative class members in violation of the Fourteenth Amendment of the U.S. Constitution, the Iowa Constitution, the Medicaid Act and regulations, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.
- B. Order Defendants to reinstate services that have been denied, reduced or terminated to the plaintiffs and putative class members to their higher level of service approved on or after April 1, 2016, until the Court issues a final ruling. The plaintiffs only seek an order that would preserve the earlier status quo prior to these drastic cuts, taken without any individualized notice, adequate due process, or sufficient concern about whether the denials, reductions or terminations would harm plaintiffs or putative class members' ability to remain in the most integrated settings.
- C. Waive any requirement for security or bond on the part of the plaintiffs.
- D. Schedule as soon as practicable a hearing on this motion.
- E. Grant such other and further relief as may be just and proper.

DATED: July 19, 2017

Respectfully submitted,

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Pro hac vice applications forthcoming

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