

<p>DISTRICT COURT, DENVER COUNTY STATE OF COLORADO Court Address: 1437 Bannock Street Denver, CO 80202</p> <hr/> <p>Plaintiff(s): COLORADO CROSS-DISABILITY COALITION, a Colorado Corporation, <i>et al.</i> v.</p> <p>Defendant(s): COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, <i>et al.</i></p> <hr/> <p>Attorney or Party Without Attorney: Kevin W. Williams Carrie Ann Lucas Colorado Cross-Disability Coalition 655 Broadway, Suite 775 Denver, CO 80203 Phone Number: 303.839.1775 Fax Number: 303.839.1782 E-mail: kwilliams@ccdconline.org E-mail: clucas@ccdconline.org Atty. Reg. #: 28117 Atty. Reg. #: 36620</p>	<p>EFILED Document CO Denver County District Court 2nd JD Filing Date: Aug 16 2010 4:46PM MDT Filing ID: 32696109 Review Clerk: Imran Sufi</p> <p>Δ COURT USE ONLY Δ</p> <hr/> <p>Case Number: 09cv11761</p> <p>Div.: Ctrm.: 3</p>
<p>PLAINTIFFS' MOTION TO CERTIFY CLASS</p>	

Plaintiffs, by and through undersigned counsel, hereby file their Motion to Certify Class concurrently with their Brief in Support of Class Certification.

1. Undersigned counsel conferred with Defendants' counsel. Defendants oppose the relief sought by this motion.

2. Plaintiffs, by and through their undersigned counsel, instituted this action with the filing of the Class Action Complaint, dated December 22, 2009. Defendants filed a motion to

dismiss, which was denied by this Court on June 17, 2010.

3. Plaintiffs filed their Amended Class Action Complaint (“Amended Complaint”) on June 21, 2010, adding additional parties. The Court ordered Defendants to file an answer in fifteen days. Defendants filed their Answer on July 19, 2010. The Court also ordered Plaintiffs to file their motion for class certification thirty days after Defendants’ Answer was filed.

4. Plaintiffs and Defendants have already exchanged sufficient information for Plaintiffs to seek certification of a class at this time.

5. For the reasons set forth in this motion and accompanying brief, Plaintiffs now seek an order from this Court certifying the class as it is defined in paragraph 34 of the Amended Complaint:

All clients of the CDASS program whose Individual Allocation Amounts were or will be reduced improperly by the Department and who have been or will be denied due process by the Department’s failure to provide advance notice of the cuts and an opportunity for a fair hearing.

6. Rule 23 of the Colorado Rules of Civil Procedure, governs class actions and requires that four prerequisites be demonstrated for the Court to certify a class action. C.R.C.P. 23(a). Rule 23 further requires that the action be one of three types. C.R.C.P. 23(b).

7. For the reasons set forth in Plaintiffs’ Brief in Support of Class Certification, filed concurrently with this motion, this case meets all of the requirements of C.R.C.P. 23, and this Court should certify the class as defined in paragraph 34 of the Amended Complaint.

WHEREFORE, Plaintiffs respectfully pray that this Court grant this motion and enter an order certifying the class proposed in the Amended Complaint.

Dated: August 16, 2010

Respectfully submitted,

COLORADO CROSS-DISABILITY COALITION
LEGAL PROGRAM

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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2010, I electronically served the foregoing using the Lexis Nexis File & Serve which will serve notice via electronic mail on the following:

Jennifer L. Weaver, Esq.
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/s/ Briana McCarten _____

Duly Authorized Signature on file at the Colorado Cross-Disability Coalition.