

1 Elissa Gershon, State Bar No. 169741  
2 [elissa.gershon@disabilityrightsca.org](mailto:elissa.gershon@disabilityrightsca.org)  
3 Elizabeth Zirker, State Bar No. 233487  
4 [elizabeth.zirker@disabilityrightsca.org](mailto:elizabeth.zirker@disabilityrightsca.org)  
5 Kim Swain, State Bar No. 100340  
6 [kim.swain@disabilityrightsca.org](mailto:kim.swain@disabilityrightsca.org)  
7 DISABILITY RIGHTS CALIFORNIA  
8 1330 Broadway, Suite 500  
9 Oakland, CA 94612  
10 Telephone: 510.267.1200  
11 Facsimile: 510.267.1201

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 ESTHER DARLING; RONALD BELL by his  
15 guardian ad litem Rozene Dilworth; GILDA  
16 GARCIA; WENDY HELFRICH by her guardian  
17 ad litem Dennis Arnett; JESSIE JONES; RAIF  
18 NASYROV by his guardian ad litem Sofiya  
19 Nasyrova; ALLIE JO WOODARD, by her  
20 guardian ad litem Linda Gaspard-Berry;  
21 individually and on behalf of all others similarly  
22 situated,

23 Plaintiffs,

24 v.

25 TOBY DOUGLAS, Director of the Department of  
26 Health Care Services, State of California,  
27 DEPARTMENT OF HEALTH CARE  
28 SERVICES,

Defendants.

) **Case No.: C-09-03798 SBA**

) **CLASS ACTION**

) **THIRD SUPPLEMENTAL**  
) **DECLARATION OF PETER H. BEHR JR.**  
) **IN SUPPORT OF PLAINTIFFS'**  
) **MOTION FOR PRELIMINARY**  
) **INJUNCTION**

) **Hearing Date:** November 8, 2011

) **Time:** 1:00 p.m.

) **Judge:** Hon. Sandra B. Armstrong

) **Address:** 1301 Clay Street  
Oakland, CA 94612

) **Courtroom:** 1, 4<sup>th</sup> Floor

1 Kenneth A. Kuwayti, State Bar No. 145384  
[kuwayti@mofo.com](mailto:kuwayti@mofo.com)  
2 Benjamin A. Petersen, State Bar No. 267120  
[bpetersen@mofo.com](mailto:bpetersen@mofo.com)  
3 Morrison & Foerster LLP  
755 Page Mill Road  
4 Palo Alto, California 94304-1018  
Telephone: 650.813.5600  
5 Facsimile: 650.494.0792

6  
7 Eric Carlson, State Bar No. 141538  
[ecarlson@nslc.org](mailto:ecarlson@nslc.org)  
8 NATIONAL SENIOR CITIZENS LAW CENTER  
3435 Wilshire Boulevard, Suite 2860  
9 Los Angeles, CA 90010  
Telephone: 213.674.2813  
10 Facsimile: 213.639.0934

11 Kenneth W. Zeller, *Pro Hac Vice*  
[kzeller@arp.org](mailto:kzeller@arp.org)  
12 Kelly Bagby, *Pro Hac Vice*  
[kbagby@arp.org](mailto:kbagby@arp.org)  
13 AARP FOUNDATION LITIGATION  
601 E Street N.W.  
14 Washington, D.C. 20049  
Telephone: 202.434.2060  
15 Facsimile: 202.434.6424

Anna Rich, State Bar No. 230195  
[arich@nslc.org](mailto:arich@nslc.org)  
Kevin Prindiville, State Bar No. 235835  
[kprindiville@nslc.org](mailto:kprindiville@nslc.org)  
NATIONAL SENIOR CITIZENS LAW  
CENTER  
1330 Broadway, Suite 525  
Oakland, California 94612  
Telephone: 510.663.1055  
Facsimile: 510.663.1051

Barbara Jones, State Bar No. 88448  
[bjones@aarp.org](mailto:bjones@aarp.org)  
AARP FOUNDATION LITIGATION  
200 So. Los Robles, Suite 400  
Pasadena, California 91101  
Telephone: 626.585.2628  
Facsimile: 626.583.8538

Sarah Somers, State Bar No. 170118  
[somers@healthlaw.org](mailto:somers@healthlaw.org)  
Martha Jane Perkins, State Bar No. 104784  
[perkins@healthlaw.org](mailto:perkins@healthlaw.org)  
NATIONAL HEALTH LAW PROGRAM  
101 East Weaver Street, Suite G-7  
Carrboro, North Carolina 27510  
Telephone: 919.968.6308  
Facsimile: 919.968.8855

