



SPLC Seeks Co-Counsel to Assist With Class Action Suit against Louisiana Dept of Health

Available

Project Title

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Scope of Work

The litigation team seeks co counsel that will assist with litigation strategy, discovery & motion practice, prep for appellate and trial work, and host discovery on a document review platform and/or provide document review support.

Timing

Jurisdiction

LA, Federal

Contact Information

Please contact Guerby Noel (guerby@lawfirmantiracismalliance.org) and Sophia Mire Hill (sophia.mire@splcenter.org) if you are interested in taking on this matter.

Description

Southern Poverty Law Center, along with Disability Rights Louisiana, National Health Law Program, and the National Center for Law and Economic Justice, seek a firm to serve as co counsel in its class action suit.

Six named minor children and their parents/next friends filed a putative class action in the Middle District of Louisiana alleging that the Louisiana Department of Health and its Secretary failed to provide intensive mental health services to eligible youth in violation of the EPSDT mandates of

the Medicaid Act. Plaintiffs seek declaratory and injunctive relief. Attorney's fees are available. The case is modeled after several successful cases, including: *Rosie D. v. Romney*, 410 F. Supp. 2d 18 (D. Mass. Jan. 26, 2006); *T.R. et al. v. Dreyfus*, No. 2:09-cv-01677 (W.D. Wash. July 23, 2010); *N.B. v. Hamos*, 26 F. Supp. 3d 756 (N.D. Ill. Feb. 13, 2014); *S.R. v. Pa. Dep't of Hum. Servs.*, 325 F.R.D. 103 (M.D. Pa. Apr. 3, 2018). This case, however, is the first of its kind in the South.

Judge Brian Jackson granted class certification in May 2020 (which was vacated and remanded by the Fifth Circuit in 2022) and again in November 2023, finding there were likely 55, 000 youth in the class who are subjected to LDH's policy of not providing intensive mental health services when "necessary to correct or ameliorate" the child's mental health conditions. Louisiana Department of Health filed a second 23(f) petition, which was granted. **The oral argument is scheduled for the week of December 5, 2024, at the Fifth Circuit** and will focus on the following issues:

- Whether the district court erred in finding the proposed class ascertainable;
- Whether the district court failed to perform the rigorous analysis that is required prerequisites; and
- Whether the district court erred in finding that the proposed class satisfied the requirements of Rule 23(a) and (b)(2).

In the meantime, discovery is proceeding in the district court, with the growing need for document review and deposition assistance.

Subtasks (0)