

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Ruby Bell; Robert Patterson; Eddie Mae Binion;)	
Alocia Brown, by her legal guardian Robert F.)	
Harris; Kevin Harris, by his legal guardian)	
Robert F. Harris; George Crawford, by his)	
trustee Art Huenkemeier; A.L., by her mother)	
and next friend, Diane Bauknight; Ruby)	
Trammell; Della Otis; Mary West; Betty Jo)	No. 06 C 3520
Watkins; T. W., Jo. N. and Ja. N., by their next)	
friend Janice Cook; Jerome Windley,)	Judge Ronald Guzman
individually and on behalf of all similarly)	
situated persons,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
Michael Leavitt, Secretary of the United States)	
Department of Health and Human Services,)	
)	
Defendant.)	

PLAINTIFFS' AMENDED MOTION FOR CLASS CERTIFICATION

Plaintiffs, pursuant to Fed. R. Civ. P. 23(a), (b)(2) and (c)(1), move for certification of the following plaintiff classes:

Class A

All persons who, prior to July 1, 2006, have been determined eligible for health coverage under the Medicaid Program, 42 U.S.C. § 1396 *et seq.*, and who declared on their applications for Medicaid coverage or otherwise that they are citizens or nationals of the United States or who were made eligible for Medicaid without the need for a declaration of citizenship or eligible alien status under 42 U.S.C. § 1320b-7.

Class B

All persons who, on or after July 1, 2006, are receiving or will receive or are applying, or will apply for health coverage under the Medicaid Program, 42 U.S.C. § 1396 *et seq.*, and who on their applications for Medicaid health

coverage or otherwise have declared or will declare that they are United States citizens.

Class C

All persons who are receiving or will receive health coverage under the Medicaid Program, 42 U.S.C. §1396 et seq., and who are not required to make a declaration of citizenship under 42 U.S.C. § 1320b-7 in connection with an application for Medicaid because they acquire their eligibility for Medicaid coverage as a result of the determination of their eligibility for Foster Care and Adoption Assistance under Title IV-E of the Social Security Act or any other program listed in 42 U.S.C. § 1396a(a)(10)(A)(i)(I) & (II).

Plaintiff's Complaint, ¶¶ 18, 19 and 20.

In support of this motion, plaintiffs state as follows:

1. Class A, Class B and Class C are all so numerous that joinder of all members in each class is impracticable. Fed. R. Civ. P. 23(a)(1).
2. There are questions of law and fact common to each class. Fed. R. Civ. P. 23(a)(2).
3. The claims of the party or parties representing each class are typical of the claims of that class. Fed. R. Civ. P. 23(a)(3).
4. The party or parties representing each class will fairly and adequately protect the interests of that class. Fed. R. Civ. P. 23(a)(4).
5. The defendant has acted or refused to act on grounds generally applicable to each class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to each class as a whole. Fed. R. Civ. P. 23(b)(2).

WHEREFORE, plaintiffs move that this court certify the class as defined above.

Dated: July 21, 2006

Respectfully submitted,

By /s/ Mary E. Anderson
One of Their Attorneys

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