

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 STEPHANIE WALD
Supervising Deputy Attorney General
3 BEVERLEY R. MEYERS (State Bar No. 1096)
Deputy Attorney General
4 50 Fremont Street, Suite 300
San Francisco, California 94105-2239
5 Telephone: (415) 356-6344
Facsimile: (415) 356-6257
6

Attorneys for Defendants

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 CHARLOTTE BUCHOLTZ, et al.,) NO. C 95 1342 VRW
12 Plaintiffs,) PERMANENT INJUNCTION
13 v.)
14 KIMBERLY BELSHE, et al.,) ENTERED IN CIVIL DOCKET
15 Defendants.)
16)

RECEIVED
APR 3 1996
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
FILED
JUL 17 1996
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

17 For the reasons stated at the hearing on February 7,
18 1996, and for good cause shown,

19 IT IS HEREBY ORDERED that defendants KIMBERLY BELSHE,
20 GERALD ROHLFES and JOHN RODRIGUEZ, and their officers, agents,
21 servants, employees, successors, and all persons acting in
22 concert or participation with them, are hereby restrained and
23 permanently enjoined:

24 1. From making, enforcing, pursuing, or causing to be
25 made, enforced, or pursued any claim, pursuant to Cal. Welfare &
26 Institutions Code § 14009.5, against the estate or property of a
27 deceased recipient of Medi-Cal, or against persons receiving

28 PERMANENT INJUNCTION
Case No. C 95 1342 VRW

1 funds or property from such recipients, for the recovery of: (a)
2 Medi-Cal payments correctly made before October 1, 1993, from
3 property held, at the time of the Medi-Cal recipient's death, in
4 a living trust ("Section 14009.5 Medi-Cal claims against trust
5 property") or (b) medical payments correctly made on behalf of a
6 recipient who died before October 1, 1993, from property held, at
7 the time of the Medi-Cal recipient's death, in a living trust
8 ("Section 14009.5 Medi-Cal claims against trust property"):

9 2. From making, enforcing, pursuing, or causing to be
10 made, enforced, or pursued any claim, pursuant to Cal. Welfare &
11 Institutions Code § 14009.5, against the estate or property of a
12 deceased recipient of Medi-Cal, or against persons receiving
13 funds or property from such recipients, for the recovery of: (a)
14 Medi-Cal payments correctly made before October 1, 1993, from
15 property held, at the time of the Medi-Cal recipient's death, in
16 a tenancy in common or community property which descends upon
17 death without probate administration ("Section 14009.5 Medi-Cal
18 claims against tenancies in common and community property") or
19 (b) medical payments correctly made on behalf of a recipient who
20 died before October 1, 1993, from property held, at the time of
21 the Medi-Cal recipient's death, in a tenancy in common or
22 community property, which descends upon death without probate
23 administration ("Section 14009.5 Medi-Cal claims against
24 tenancies in common and community property"):

25 / /

26 / /

27 / /

28

PERMANENT INJUNCTION
Case No. C 95 1342 VRW

*Property was less than
\$60,000 + descended
without probate!*

1 3. To notify all persons and entities who, within
2 three years preceding the date of this order, have relied or
3 acted on, or received notice of, "Section 14009.5 Medi-Cal claims
4 against trust property" and "Section 14009.5 Medi-Cal claims
5 against tenancies in common and community property", as may be
6 necessary as to each claim, that such claims have been released
7 and extinguished; and

8 4. To take all steps reasonably necessary to identify
9 all funds or property collected, attached or otherwise encumbered
10 within three years preceding the date of this order, as a result
11 of "Section 14009.5 Medi-Cal claims against trust property" and
12 "Section 14009.5 Medi-Cal claims against tenancies in common and
13 community property" previously made, and to provide notice in
14 writing within sixty (60) days of the date this permanent
15 injunction is filed, by certified mail to each person with an
16 ownership interest in the funds or property, of: (a) the
17 procedures whereby the persons may seek complete and timely
18 reimbursement from the California Department of Health Services
19 and (b) the necessity, in light of the applicable 3-year statute
20 of limitations, for the persons to seek immediate reimbursement,
21 if at all; and to give proof of said notice to counsel for
22 plaintiffs.

23 IT IS SO ORDERED, ADJUDGED AND DECREED.

24 Dated: _____



25
26 VAUGHN R. WALKER
27 United States District Judge

28 PERMANENT INJUNCTION
Case No. C 95 1342 VRW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED AS TO FORM:

Dated: April 2, 1996



ANTONIO PONVERT, III
Attorney for Plaintiffs

Dated: April 3, 1996



BEVERLEY R. MEYERS
Deputy Attorney General

BUCHOJMT.F14

PERMANENT INJUNCTION
Case No. C 95 1342 VRW