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7 *Attorneys for Respondent Will Lightbourne, Director
8 of the California Department of Social Services*

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11 CENTRAL DISTRICT

13 EDWARD DRAKE,
14
Petitioner,
15
v.
16
17 WILL LIGHTBOURNE, Director of the
California Department of Social Services,
18
Respondent.

Case No. BS152062
[PROPOSED] WRIT OF MANDATE
[Lodged Concurrently with Joint
Stipulation and [Proposed] Order for
Issuance of a Writ of Mandate]
Dept: 82
Judge: The Honorable Mary H. Strobel
Trial Date:
Action Filed: October 28, 2014

20 TO RESPONDENT WILL LIGHTBOURNE, DIRECTOR OF THE DEPARTMENT OF
21 SOCIAL SERVICES (RESPONDENT):

22 1. Within 60 days after service of the writ respondent shall set aside the
23 administrative decision dated October 28, 2013, *In the Matter of Eloise [sic] Rook*,
24 Administrative Hearing No. 2013228330, and shall issue a new decision directing Los Angeles
25 County to award Eloise Rook 195 hours per month of In-Home Supportive Services (IHSS)
26 benefits for protective supervision retroactive to May 1, 2013, through July 31, 2013, with
27 payment including interest thereon beginning August 1, 2013 (at the legal rate of 7% per annum).
28 The new decision shall state that Los Angeles County shall pay the aforesaid award to Edward

1 Drake conditioned on his presenting Los Angeles County with written certification from the
2 Public Guardian as Eloise Rook's conservator that Mr. Drake provided protective supervision
3 services to Eloise Rook between May 1, 2013, and July 31, 2013, with the understanding that
4 respondent takes no position with regard to the merits of Edward Drake's claims and completely
5 defers that decision to the Public Guardian. In the absence of such certification after one year has
6 elapsed after the County receives the new administrative hearing decision, the award shall be paid
7 directly to the Public Guardian as Eloise Rook's conservator; and

8 2. Respondent shall rescind any policy purportedly limiting the review authorized by
9 its Manual of Policies and Procedures section 22-009.2 with regard to claims for IHSS benefits,
10 including, but not limited to, the purported policy relied on by the administrative law judge in the
11 prior administrative hearing decision.

12 ~~2. Respondent shall pay petitioner attorneys' fees incurred in this proceeding in the~~
13 ~~amount of \$60,000 as full and complete satisfaction of petitioner's claims to attorney's fees. The~~
14 ~~attorney's fees shall be made payable to Bird, Marella, Boxer, Wolpert, Nessim, Drooks,~~
15 ~~Lincenberg & Rhow, P.C., and sent to 1875 Century Park East, 23rd Floor, Los Angeles,~~
16 ~~California 90067. Each party shall bear its own other costs.~~

17 3 RESPONDENT IS FURTHER COMMANDED to make and file a return on the
18 aforesaid writ of mandate on or before 7-14, 2016, setting forth what
19 respondent has done to comply with the writ.

21 SHERRI R. CARTER, Executive Officer/Clerk
22 of the Superior Court

23
24 Dated: 3-16-14

N. Diglambattista
Deputy Clerk

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APPROVED AS TO FORM AND CONTENT:

Dated: March 2, 2016

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
RICHARD T. WALDOW
Supervising Deputy Attorney General



JONATHAN E. RICH
Deputy Attorney General
Attorneys for Respondent

Dated: March 1, 2016

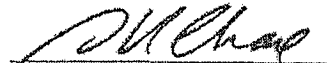
For Respondent
WILL LIGHTBOURNE,
Director, California Department of Social
Services



By: TORENE L.M. SCHWAB
Deputy Director, Legal Division,
California Department of Social Services

Dated: March 2, 2016

BIRD, MARELLA, BOXER, WOLPERT, NESSIM,
DROOKS, LINCENBERG & RHOW, P.C.



DAVID H. CHAO
Attorneys for Petitioner

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DECLARATION OF SERVICE BY E-MAIL AND FIRST CLASS MAIL

Case Name: **Drake, Edward v. Lightbourne, Will, et al.**
No.: **BS152062**

I declare:

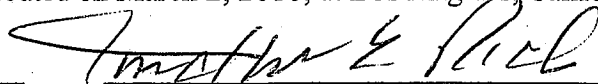
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013. I am familiar with the business practice at the Office of the Attorney General for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On March 2, 2016, I served the attached **[PROPOSED] WRIT OF MANDATE** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery, addressed as follows:

David H. Chao, Esq.
Bird, Marella, Boxer, Wolpert, Nessim,
Drooks, Lincenberg & Rhow, P.C.
1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
Email: dchao@birdmarella.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 2, 2016, at Los Angeles, California.

Jonathan E. Rich
Declarant


Signature