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FILED
 AUG - 3 1990
 JOYCE E. RUSSELL, CLERK
 By *[Signature]*

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA,
 13 IN AND FOR THE COUNTY OF SACRAMENTO

14 KAREN CRARY, CHRISTINE ROSS,)
 JIMMY ISRAEL, TRISHA BENOUN)
 15 PARKER, SUZANNE MARSH, and)
 GARY HANELINE,)
 16)
 17 Petitioners and Plaintiffs,)
 for themselves and others)
 18)
 19 vs.)
 20)
 21 DEPARTMENT OF SOCIAL SERVICES,)
 and LINDA S. McMAHON, in her)
 official capacity as Director,)
 22 California Department of)
 Social Services,)
 23)
 24 Respondents and Defendants.)

Case No. 363143

~~PROPOSED~~ ORDER
 GRANTING PEREMPTORY
 WRIT OF MANDATE
 (C.C.P. § 1085)

25 This matter came on for hearing before this Court on
 26 August 3, 1990. The Court having reviewed the pleadings, and the
 27 exhibits having been received in evidence, and having received
 28 additional evidence by way of taking judicial notice pursuant to

1 petitioners' request, and having heard arguments, and the case
2 having been submitted for decision,

3 IT IS ORDERED THAT:

4 1. A peremptory writ of mandate shall issue under the seal
5 of this Court, commanding respondents Department of Social
6 Services and Linda McMahon to

7 A. Pay to all GAIN participants GAIN transportation at the
8 regional market rate as required by Welfare and Institutions Code
9 Section 11320.3 (e) with no cap or other limit, and in particular
10 to:

11 (1) cease enforcing, implementing or otherwise authorizing
12 any transportation cap which imposes a limitation on payment other
13 than as set out in MPP § 42-750.312, i.e., the local County
14 Welfare Department reimbursement rate;

15 (2) cease enforcing, following, or otherwise implementing
16 the October 16, 1989 All County GAIN Coordinators Letter;

17 (3) cease enforcing any transportation reimbursement policy
18 which sets maximum limits on amounts paid other than those
19 authorized by state statute;

20 ~~(4) cease enforcing or implementing MPP § 42-750.315 because~~
21 ~~it violates the GAIN statute by imposing additional limits on~~
22 ~~transportation expenses not authorized by the Legislature;~~

23 ~~(5) cease enforcing or implementing MPP § 42-750.315 because~~
24 ~~it was not promulgated pursuant to the California Administrative~~
25 ~~Procedures Act;~~

26 ~~(6) cease enforcing any and all transportation caps or cap~~
27 ~~policy not promulgated pursuant to the California Administrative~~
28 ~~Procedures Act; and~~

Handwritten notes:
3-9-90
[unclear]

1 B. restore to the named plaintiffs and other members of the
 2 class all GAIN supportive services monies unlawfully withheld from
 3 them because of the transportation expense limitations challenged
 4 herein.

5 DATED: 8-3-96

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 8 _____
 9 JUDGE OF THE SUPERIOR COURT

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