

COPIES

1 BILL LOCKYER
Attorney General of the State of California
2 JOSEPH O. EGAN
Lead Supervising Deputy Attorney General
3 PAUL REYNAGA, State Bar No. 72361
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 327-7854
6 Fax: (916) 324-5567

ENDORSED
JUN - 7 2005
By B. BEDDOW, Deputy

7 Attorneys for Respondents

8
9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF SACRAMENTO

11
12
13 Wafa JAMAL EDDIN,

Petitioner,

14
15 v.

16 LAWRENCE BOLTON, Deputy Director,
California Department of Social Services; and
17 CALIFORNIA DEPARTMENT OF SOCIAL
SERVICES,

18 Respondents.
19

CASE NO. 04CS01195

20
21 **STIPULATION FOR
SETTLEMENT AND ORDER**

Date: No Hearing Set
Time:
Dept:
Judge: Lloyd G. Connelly
Trial Date:
Action Filed: September 3, 2004

22 This Stipulation for Settlement is made by and between Wafa Jamal Eddin (petitioner),
23 and Lawrence Bolton, Deputy Director, and the California Department of Social Services
(respondents);

24 WHEREAS, petitioners filed a Petition for Peremptory Writ of Administrative
25 Mandamus, dated September 3, 2004 (petition), Sacramento County Superior Court Case No.
26 04CS01195, alleging causes of action against respondents;

27 WHEREAS, respondents dispute the allegations made by petitioner and assert that
28 respondents have in no way acted contrary to law with respect to petitioner; and

1 WHEREAS, the parties, in order to avoid the costs and uncertainty of litigation, desire
2 to settle, fully and finally, all of petitioner's claims or potential claims, as alleged in the petition;
3 NOW, THEREFORE, the parties hereby stipulate as follows:

4 1. Respondents agree to set aside the decision adopted by respondents on July 7, 2004
5 (State Hearing Decision No. 2003279121), and issue a new decision. The new decision shall be
6 issued by respondents within 40 calendar days of the receipt by respondents' counsel of the order
7 below signed by the judge. The new decision shall instruct the North State/Orange CAPI
8 Consortium to redetermine petitioner's eligibility for Cash Assistance Program for Immigrants
9 (CAPI) benefits consistent with the following: Petitioner is a qualified alien who is potentially
10 eligible for CAPI benefits based upon the determination by the Social Security Administration
11 (SSA) that she is ineligible for Supplemental Security Income/State Supplemental Payment
12 (SSI/SSP) benefits due to her immigration status because she was not lawfully residing in the
13 United States on August 22, 1996.

14 2. Respondents agree to send to all county welfare departments and to the consortia
15 that make CAPI eligibility determinations a written notice clarifying that a qualified alien under
16 age 65 who entered the United States prior to August 22, 1996, is potentially eligible for CAPI
17 benefits if the SSA has denied the qualified alien's application for SSI/SSP benefits due to his or
18 her immigration status because he or she was not residing in the United States on August 22,
19 1996. The written notice shall be issued within 60 calendar days of the receipt by respondents'
20 counsel of the order below signed by the judge.

21 3. After the new decision has been issued by respondents in accordance with
22 paragraph 1 and the written notice has been issued in accordance with paragraph 2, copies shall
23 be served upon petitioner's counsel. Within two weeks after both the new decision and the
24 written notice have been served upon petitioner's counsel, petitioner shall dismiss the instant
25 action with prejudice.

26 4. This agreement constitutes the full settlement of petitioner's claims addressed in the
27 petition, including any claim for attorney's fees and costs, and its execution shall not constitute
28 the admission by either party of any fact or claim asserted in the petition.

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

5. The parties agree that this agreement is the product of their mutual negotiation and preparation and accordingly shall not be deemed to have been prepared or drafted by either party. The parties further agree that any court seeking to interpret this agreement should construe it as the product of mutual negotiation and preparation.

Dated: 5-5-2005

Wafa Jamal Eddin
Wafa Jamal Eddin
Petitioner

Dated: 5/26/05

Lawrence Bolton
Lawrence Bolton
Deputy Director
Department of Social Services

APPROVED AS TO FORM:

Dated: 5/6/05

Stephen E. Goldberg
Stephen E. Goldberg
Legal Services of Northern California
Attorney for Petitioner

Dated: 5/9/05

Paul Reynaga
Paul Reynaga
Deputy Attorney General
Attorney for Respondents

ORDER

IT IS SO ORDERED.

LLOYD CONNELLY

JUN -7 2005
Dated. _____

Lloyd G. Connelly
Judge of the Superior Court