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CALIFORNIA ALLIANCE OF CHILD AND FAMILY  
12 SERVICES

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

17 CALIFORNIA ALLIANCE OF CHILD AND  
18 FAMILY SERVICES,

19 Plaintiff,

20 v.

21 JOHN WAGNER, Director of the California  
Department of Social Services, in his official  
22 capacity; GREGORY ROSE, Deputy Director of  
the Children and Family Services Division of the  
23 California Department of Social Services, in his  
official capacity,

24 Defendants.

RECEIVED

SEP 18 2009  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

VRW

CV 09

Case No.

4398

[PROPOSED] TEMPORARY  
RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE  
REGARDING PRELIMINARY  
INJUNCTION

Complaint filed: September 18, 2009

1 The Application for a Temporary Restraining Order filed by Plaintiff California Alliance  
2 of Child and Family Services was heard on September \_\_\_\_, 2009 in this Court. Plaintiff  
3 appeared through its counsel William F. Abrams of Bingham McCutchen LLP. Defendants  
4 appeared by their counsel George Prince.

5 Upon consideration of the papers and evidence submitted by the parties and the  
6 arguments of counsel at the hearing, for good cause shown this Court finds, and IT IS  
7 ORDERED that:

8 1. Plaintiff's Motion for a Temporary Restraining Order is GRANTED. The  
9 standards for a temporary restraining order have been met, including Plaintiff's showing of  
10 irreparable harm and likelihood of success on the merits. The balance of the hardships is in  
11 Plaintiff's favor and a temporary restraining order is in the public interest.

12 2. Defendants Director John Wagner and Deputy Director Gregory Rose, and  
13 successors, agents, officers, servants, employees, attorneys and representatives and all persons  
14 acting in concert or participating with Defendants in their respective official capacities as [insert  
15 titles] are enjoined and prohibited from engaging in the following actions until this Court hears  
16 and files an Order on Plaintiff's Motion for a Preliminary Injunction:

17 Reducing, terminating or modifying foster care maintenance payments to foster  
18 care group homes pursuant to ABX4 4, actions that this Court finds are likely to  
19 violate the Child Welfare Act, 42 U.S.C. §§ 670-679b, and would cause  
20 irreparable injury to Plaintiff and its member agencies, and be against the public  
21 interest.

22 3. The Court grants this temporary restraining order, compelling Defendants, their  
23 officers, agents, employees, attorneys, and all persons who are in active concert or participation  
24 with them, to take all actions necessary within the scope of their authority to implement the  
25 above injunction; and it is ordered that this temporary restraining order will be maintained until  
26 this Court considers and files an Order on Plaintiff's Motion for a Preliminary Injunction herein.

27 4. This Court further hereby issues an Order to Show Cause fixing the time for  
28 hearing Plaintiff's Motion for a Preliminary Injunction. Said Motion shall be heard on October

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1 \_\_\_\_, 2009, in Courtroom \_\_\_\_ of the United States District Court, Northern District of California  
2 located at 450 Golden Gate Avenue at \_\_\_\_\_.

3 5. Plaintiff's Motion for a Preliminary Injunction with all supporting pleadings,  
4 papers and evidence shall be served upon counsel for Defendants no later than  
5 \_\_\_\_\_, 2009.

6 6. Defendants' Opposition pleadings, papers and evidence to Plaintiff's Motion for  
7 Preliminary Injunction shall be filed and served on Plaintiff no later than  
8 \_\_\_\_\_, 2009.

9 7. Plaintiff's Reply pleadings, papers and evidence to Defendants' Opposition to  
10 Plaintiff's Motion for Preliminary Injunction shall be filed and served upon counsel for  
11 Defendants no later than \_\_\_\_\_, 2009.

12 DATED: \_\_\_\_\_  
13 JUDGE OF THE UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA