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Attorneys for Plaintiffs

7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF ALASKA**

10 JENNIFER SPENCER, individually and on
11 behalf of all others similarly situated,

12 **Plaintiffs,**

13
14 vs.

Case No. 3:19-cv-00087-SLG

15 ADAM CRUM, in his official capacity as
16 Commissioner of the Alaska Department of
17 Health and Social Services, and
18 SHAWNDA O'BRIEN, in her official
19 capacity as Director of the Alaska Division
of Public Assistance,

20 **Defendants.**

21
22 **MOTION FOR CLASS CERTIFICATION**

23 Pursuant to Federal Rule of Civil Procedure 23, plaintiff Jennifer Spencer, through
24 counsel, the Northern Justice Project, LLC, hereby moves this Court for certification of
25 the above-entitled lawsuit as a class action. Plaintiff seeks to represent a class comprised
26 of all individuals who applied for Alaska Medicaid within two years before the filing of
27 this lawsuit, and all future applicants, who did not or do not receive a final eligibility
28

MOTION FOR CLASS CERTIFICATION
Jennifer Spencer, et al. v. Adam Crum, et al.

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1 determination *and* Medicaid coverage from the defendants within 30 days after
2 submitting their Medicaid applications, or within 90 days if a disability determination was
3 or is required.
4

5 Pursuant to Federal Rule of Civil Procedure 23(g), plaintiff further moves for the
6 appointment of Goriune Dudukgian and James J. Davis, Jr. of the Northern Justice
7 Project, LLC as class counsel.
8

9 This motion is supported by the accompanying memorandum of law, the
10 Declaration of Goriune Dudukgian, Affidavit of Jennifer Spencer, and is filed with a
11 proposed Order.
12

13 DATED this 31st day of March, 2019.

14 NORTHERN JUSTICE PROJECT, LLC
15 Attorneys for Plaintiff

16
17 By: /s/ Goriune Dudukgian
18 Goriune Dudukgian, ABA No. 0506051
19 James J. Davis, Jr., ABA No. 9412140
20

21 **CERTIFICATE OF SERVICE**

22 I certify that on March 31, 2019
23 I served the foregoing document
electronically via the ECF system on:

24 Alexander J. Hildebrand

25 By: /s/ Goriune Dudukgian
26
27
28

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JENNIFER SPENCER, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

Case No. 3:19-cv-00087-SLG

ADAM CRUM, in his official capacity as
Commissioner of the Alaska Department of
Health and Social Services, and
SHAWNDA O'BRIEN, in her official
capacity as Director of the Alaska Division
of Public Assistance,

Defendants.

**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION**

Upon consideration of the briefs and arguments of the parties, and good cause
appearing:

IT IS HEREBY ORDERED that plaintiff Jennifer Spencer's motion for class
certification at docket 5 is **GRANTED**. This Court finds that all of the requirements for

[PROPOSED] ORDER GRANTING PLAINTIFF'S
MOTION FOR CLASS CERTIFICATION

Jennifer Spencer, et al. v. Adam Crum, et al.

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1 class certification under Federal Rule of Civil Procedure 23(a) and (b)(2) are satisfied.
2 Therefore, this Court now certifies this case as a class action, with plaintiff Jennifer
3 Spencer as the class representative, and the class defined as follows: All individuals who
4 applied for Alaska Medicaid within two years before the filing of this lawsuit, and all
5 future applicants, who did not or do not receive a final eligibility determination *and*
6 Medicaid coverage from the defendants within 30 days after submitting their Medicaid
7 applications, or within 90 days if a disability determination was or is required.
8
9

10 In accord with Rule 23(c)(1)(B), the Court defines the class claims as:

11 (1) Did the defendants violate 42 U.S.C. § 1983 by failing to provide Medicaid
12 coverage to plaintiff Spencer and the putative class members with “reasonable
13 promptness” as required by the Medicaid Act, namely 42 U.S.C. § 1396a(a)(8)?
14

15 (2) Did the defendants violate Alaska state law, namely 7 AAC 100.018 by failing
16 to provide plaintiff Spencer and the putative class members with a notice, within 30 days
17 after receiving their Medicaid application or 90 days if a disability determination was
18 required, stating the date on which their Medicaid coverage would begin.
19

20 Finally, in accord with Rule 23(g), this Court appoints Goriune Dudukgian and
21 James J. Davis, Jr. of the Northern Justice Project, LLC as class counsel.
22

23 IT IS SO ORDERED this ____ day of _____, 2019.
24
25

26 _____
SHARON L. GLEASON
U.S. District Court Judge
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28

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I certify that on March 31, 2019

2 I served the foregoing document
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3 Alexander J. Hildebrand

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5 By: /s/ Goriune Dudukgian

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[PROPOSED] ORDER GRANTING PLAINTIFF'S
MOTION FOR CLASS CERTIFICATION

Jennifer Spencer, et al. v. Adam Crum, et al.

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