

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

ETHEL WILLIAMS, JAN WRIGHTSELL, DONELL HALL)
and EDWARD BRANDON, on behalf of themselves and all)
others similarly situated,)

Plaintiffs.)

v.)

ROD BLAGOJEVICH, in his official capacity as)
Governor of the State of Illinois, CAROL L. ADAMS,)
in her official capacity as Secretary of the Illinois)
Department of Human Services, LORRIE STONE,)
in her official capacity as Director of the Division)
of Mental Health of the Illinois Department of)
of Human Services, ERIC E. WHITAKER, in his)
official capacity as Director of the Illinois Department)
of Public Health, and BARRY S. MARAM, in his)
official capacity as Director of the Illinois Department)
of Healthcare and Family Services,)

Defendants.)

No. 05 C 4673
Judge Hart

MOTION FOR CERTIFICATION OF CLASS

Plaintiffs Ethel Williams and Jan Wrightsell, by their attorneys, respectfully move this Court to enter an Order for class certification pursuant to Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure. Plaintiffs propose a class of all persons who:

- (1) have a mental illness;
- (2) with appropriate supports and service, could live in the community; and
- (3) are institutionalized in privately-owned Institutions for Mental Diseases ("IMDs").

In support of this motion, Plaintiffs state as follows:

1. Plaintiffs seek declaratory and injunctive relief on their own behalf and on behalf of all others similarly situated. Plaintiffs allege that Defendants' have systematically failed to

inform IMD residents of their right to community services, to provide them with services in the most integrated setting appropriate to their needs, and to provide services with reasonable promptness. Defendants have failed to enact a policy or practice that assures that their services are administered to Plaintiffs in the most integrated setting appropriate to their needs, in violation of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 and 12132, and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794.

2. The defined class is so numerous that joinder of all plaintiffs is impracticable. More than five thousand individuals with psychiatric disabilities live in IMDs in the state of Illinois, and it is believed that thousands of these individuals could live in a more integrated setting with appropriate supports and services.

3. There are questions of law and fact common to the class. Those questions predominate over questions affecting individual class members. The claims of the named plaintiffs are typical of those of the class. Specifically, the named plaintiffs reside in IMDs and continue to languish in the segregated settings of those IMDs because Defendants have denied or failed to assure that the state's mental health programs provide services in the most integrated settings appropriate to their needs.

4. The named plaintiffs will fairly and adequately represent the interests of the class. They have no interests that conflict with or are antagonistic to the class and seek relief that will benefit all members of the class. Plaintiffs' counsel are competent and experienced in class-action civil rights cases of this nature.

5. Defendants, by failing to administer services in the most integrated settings appropriate to Plaintiffs' needs, have acted on grounds generally applicable to the class. Therefore, declaratory and injunctive relief with respect to the entire class is appropriate.

6. Plaintiffs have prepared a Memorandum, attached hereto and filed concurrently with this Motion, articulating in greater detail the grounds for class certification.

WHEREFORE, Plaintiffs respectfully request this Court enter an Order certifying this case as a class action for the class of persons described above.

Dated: April 26, 2006

Respectfully submitted,

By: /s/ Joseph M. Russell

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