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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

LUCAS R., *et al.*,
Plaintiffs,
v.
XAVIER BECERRA, Secretary of U.S.
Department of Health and Human
Services, *et al.*,
Defendants.

Case No. CV 18-5741-DMG (BFMx)
**ORDER GRANTING JOINT MOTION TO
APPOINT MONITOR [419]**

1 On May 3, 2024, the Court approved the Parties’ Settlement Agreements
2 (“Agreements”) to resolve Plaintiffs’ Third and Fifth Claims for Relief in the First
3 Amended Complaint.¹ The Agreements provide that the Court will appoint a Monitor
4 to oversee compliance with the Agreements. The Court agrees that such appointment
5 is necessary under the Agreements and will assist the efforts of the Parties and the Court
6 to ensure compliance with the Agreements.

7 Accordingly, UPON CONSIDERATION of the Parties’ Joint Motion for
8 Appointment of Monitor (“Joint Motion”), the Court hereby **GRANTS** the Parties’
9 Joint Motion and **ORDERS** that Kathleen Noonan, J.D., is appointed as the Monitor
10 for the Agreements with the authorities detailed in the Agreements.

11 **Fees and Expenses:** The Monitor shall be entitled to reimbursement of
12 reasonable fees and expenses. These fees and expenses will be subject to an annual cap
13 of \$600,000 collectively for both Agreements. On a monthly basis, the Monitor shall
14 provide the Department of Health and Human Services (“HHS”) with a detailed record
15 of hours billed and expenses incurred in the preceding month. Any request by the
16 Monitor to exceed this annual cap for demonstrated good cause must be approved by
17 HHS and the Court.

18 If HHS disputes a bill from the Monitor, it shall have 15 days to review and
19 submit objections to the Monitor or to request additional documentation from the
20 Monitor. If any dispute over the Monitor’s bill is not resolved within 30 days, HHS
21 will submit the dispute to the Court for resolution.

22 **Monitoring Assistance:** The Monitor may identify in her discretion team
23 members to assist her in all aspects of her monitoring work, such as data scientists,
24 psychologists, or other doctors. These team members will be paid for their services,
25 and these payments will be subject to the annual cap described above.

26 **Term of Monitoring:** The Monitor shall be appointed for the full duration of
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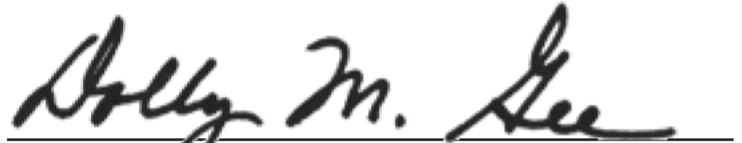
28 ¹ The Court also approved the Parties’ Settlement Agreement resolving Plaintiffs’ Fourth Claim for relief, but that Agreement will not be monitored.

1 the Agreements from the date of appointment by the Court unless she becomes unable
2 or unwilling to serve.

3 **IT IS SO ORDERED.**

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5 DATED: May 3, 2024


DOLLY M. GEE
CHIEF UNITED STATES DISTRICT JUDGE

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