

3. There are numerous questions of law and fact common to the class as a whole. Factually, each class member is a caretaker relative with earned income and each was found eligible for Medicaid before the Defendant changed the manner in which it counted their income. The legal questions common to the entire class include whether they fall within the ambit of 42 U.S.C. § 1396u-1 and whether the Defendant can refuse to provide them with transitional Medicaid benefits under the circumstances of this case.
4. Declaratory and injunctive relief are appropriate with respect to the class as a whole because the Defendant has acted on grounds applicable to the entire class.
5. The named Plaintiffs' claims are typical of the claims of the class.
6. The named Plaintiffs will fairly and adequately protect the interests of the class. The Plaintiffs know of no conflicts of interest among class members.
7. A class action is superior to other available methods for a fair and efficient adjudication of this matter in that it will avoid the need for numerous separate actions by class members.

WHEREFORE, Plaintiffs request:

- A. An order certifying a class of:

All caretaker relatives in Nebraska with earned income: a) who have received Medicaid for at least three of the six months prior to having their Medicaid benefits terminated due to the Defendant's new method of counting their income; b) who, but for the Defendant's new method of counting their income, would continue to be eligible to receive Medicaid; and, c) who have not been or will not be afforded the transitional Medicaid benefits provided for in 42 U.S.C. §1396r-6.

1. B. A preliminary injunction enjoining the Defendant from denying Plaintiffs and members of their class transitional Medicaid benefits, including prescription drug benefits, during the pendency of this case.

Dated: January 30, 2003.

Motion, Certify the Class, Kai.2

Respectfully submitted,

TERESA KAI and STACY NOLLER, on behalf of
themselves and all others similarly situated,
Plaintiffs

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the foregoing upon all parties hereto by hand delivering a true and correct copy thereof on this 30th day of January, 2003, to the attorneys for the Defendant, as follows:

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