

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

TERESA KAI and STACY NOLLER, on)	Case No. 4:03cv3030
behalf of themselves and all others similarly)	
situated,)	
)	
Plaintiffs,)	
)	
v.)	MOTION FOR
)	PRELIMINARY INJUNCTION
RON ROSS, as the Director of the)	(Class Action)
Nebraska Department of Health and)	
Human Services,)	
)	
Defendant.)	

COME NOW the Plaintiffs, by and through their counsel, and move this Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure, for a Preliminary Injunction against the Defendant enjoining him from refusing to provide them with transitional Medicaid coverage. In support of their Motion, the Plaintiffs state as follows:

1. Effective January 1, 2003, Plaintiff Teresa Kai lost her desperately needy Medicaid coverage due to a change in the way the Defendant calculated her income for purposes of determining Medicaid eligibility. Ms. Kai suffers from several serious illnesses including type II diabetes mellitus, hypertension, depression, asthma, allergies, and anxiety. These conditions, if left untreated, will threaten not only her ability to work, but her very life. Prior to losing her Medicaid coverage, Ms. Kai was able to refill most of the prescriptions she requires to keep her medical conditions under control. She has enough medication to last her through the end of January

2003. After that point, she will be unable to afford the medications that have kept her a stable and productive mother and provider for her daughter.
2. Effective January 1, 2003, Plaintiff Stacy Noller also lost her Medicaid coverage due to a change in the way the Defendant counted her income for purposes of determining Medicaid eligibility. Ms. Noller needs continued medical coverage because she suffers from both schizophrenia and bipolar disorder. These conditions, if left untreated, will compromise Ms. Noller's ability to continue working and providing for her daughter. Prior to losing her Medicaid coverage, Ms. Noller was able to refill most, but not all of the prescription medications she uses to control her illnesses. While she has enough medication to last her through January 2003, Ms. Noller is already suffering adverse behavioral effects because she can no longer afford the therapy that she needs to maintain her equilibrium. At the end of this month, she will also be unable to afford the medications that she needs to keep a stable and productive mother and provider for her daughter.
 3. The named Plaintiffs and members of the class will continue to suffer immediate and irreparable harm if the Defendant is not preliminarily enjoined from refusing to grant them the transitional medical assistance benefits, to which they are entitled, during the pendency of this case.
 4. Plaintiffs have no adequate remedy at law.
 5. As is set forth more fully in the Brief accompanying this Motion, Plaintiffs are likely to prevail on the merits of their claims.
 6. The balance of the hardships tips decidedly in favor of granting the requested injunction, inasmuch as the cost to the Defendant of providing medical coverage is

negligible when compared to the potential harm the Plaintiffs face if they are forced to go another month without such coverage.

Dated: January 30, 2003.

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

By: /s/ Rebecca L. Gould
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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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