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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DAVID L. BOHN, on behalf of
himself, and all others similarly
situated,

Plaintiffs,

vs.

LILLIAN B. KOLLER, in her
official capacity as Director of

CIVIL NO. CV10 00680 DAE LEK

**STIPULATED ORDER
GRANTING PLAINTIFF'S
MOTION FOR CLASS
CERTIFICATION**

the Department of Human
Services, State of Hawai`i,

Defendant.

**STIPULATED ORDER GRANTING PLAINTIFF'S
MOTION FOR CLASS CERTIFICATION**

On November 17, 2010, Plaintiff David L. Bohn, individually and on behalf of all persons similarly situated, filed a class action complaint in this Court seeking declaratory judgment that Defendant's policies and practice of failing to timely process Supplemental Nutrition Assistance Program ("SNAP") applications and issue benefits is a violation of federal law. (Doc. 1). Plaintiff simultaneously filed a Motion for Class Certification under Federal Rule of Civil Procedure ("FRCP") 23. (Doc. 4, "Motion").

On December 8, 2010, Defendant Lillian Koller in her official capacity as Director of the State of Hawai`i Department of Human Services ("Defendant") answered the Complaint. (Doc. 7).

Defendant's opposition to the Motion was due by January 10, 2011. (Doc. 6). On January 18, 2011, Plaintiff filed a reply asking the Court to grant the Motion in light of Defendant's failure to oppose or otherwise respond. (Doc. 8).

On January 18, 2011, Defendant filed a response indicating that she did not oppose the Motion. (Doc. 9). Defendant further represented that she did not object to the proposed class or the appointment of Plaintiff's attorneys as class counsel. (*Id.*).

Based on the above, the parties have agreed to enter into this Stipulated Order.

The Court has reviewed the Motion, the related papers filed with respect to the Motion, and the records and files herein. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is GRANTED.

IT IS FURTHER ORDERED that:

1. Pursuant to FRCP Rule 23(b)(2) and (3), the Court certifies the following class:

All Hawai`i residents who (1) applied for Supplemental Nutrition Assistance Program ("SNAP") benefits in Hawai`i after November 2008 and who did not receive benefits in a timely manner, or (2) are seeking, or will in the future seek, SNAP benefits in Hawai`i.

2. Plaintiff DAVID L. BOHN is appointed class representative and Lawyers for Equal Justice, National Center for

Law and Economic Justice, and the law firm of Alston Hunt Floyd & Ing are appointed class counsel.

3. The proposed class is so numerous that joinder of all members is impracticable.

4. There are questions of law and fact common to the class. Common issues of fact include whether Defendant processed applications under SNAP in a timely manner. Common issues of law include whether Defendant's failure to process SNAP applications in a timely manner violate federal law.

5. The claims of the class representative are based on Defendant's failure to process his SNAP application in a timely manner and therefore are typical of the claims of the class.

6. The common questions of law and fact predominate over the individual issues, if any, in this case; declaratory and/or injunctive relief may be appropriate with respect to the class, and a

class action is a superior method to efficiently and fairly adjudicate this controversy.

DATED: Honolulu, Hawaii, February 7, 2011.



David Alan Ezra
United States District Judge

APPROVED AS TO FORM:

/s/ John F. Molay
HEIDI M. RIAN
JOHN F. MOLAY
Attorneys for Defendant

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STIPULATED ORDER GRANTING PLAINTIFF'S MOTION FOR CLASS CERTIFICATION; DAVID L. BOHN, on behalf of himself, and all others similarly situated vs. LILLIAN B. KOLLER, in her official capacity as Director of the Department of Human Services, State of Hawai`i, Civil No. CV10-00680 DAE LEK