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9 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES

11 ANDREW A. ARCE, a minor, by and
12 through his Guardian ad Litem,
13 GUILLERMO ARCE; GUILLERMO
14 ARCE,

15 Plaintiffs,

16 vs.

17 KAISER FOUNDATION HEALTH PLAN,
18 INC., AND DOES 1 THROUGH 100,
19 INCLUSIVE,

20 Defendants.

Case No.: BC 388689

Hon. Emilie H. Elias
[Dept. 308]

**NOTICE OF ERRATA REGARDING
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

Date Action Filed: April 8, 2008
Trial Date: None set

21
22 Plaintiffs make this notice to correct the omission of text from plaintiffs' First Amended
23 Complaint. The omitted text is as follows:

24 On page 1, line 13, after the word "Arce,"

25 "Individually and on behalf of other similarly-situated persons,"

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1 On page 16, line 5, in paragraph 68, after the text “17200.”

2 I. Plaintiffs, individually and on behalf of other similarly situated people, allege as
3 follows: Plaintiffs are bringing this cause of action for injunctive relief and declaratory
4 relief as a class action on behalf of the proposed class pursuant to Code of Civil
5 Procedure section 382. The proposed class consists of three subclasses. First, all
6 California residents who were Kaiser policyholders or health plan members whose
7 applied behavioral analysis for an autism spectrum disorder was wrongfully determined
8 to be not covered in violation of California law. Second, all California residents who
9 were Kaiser policyholders or health plan members whose speech therapy for an autism
10 spectrum disorder was wrongfully determined to be not covered in violation of
11 California law. Third, all California residents who were Kaiser policyholders or health
12 plan members whose occupational therapy for an autism spectrum disorder was
13 wrongfully determined to be not covered in violation of California law

14 II. Excluded from the class are defendants, their officers, directors, and employees; any
15 entity in which any defendant has a controlling interest, the defendants’ affiliates, legal
16 representatives, attorneys, heirs or assigns; the defendants’ immediate families; any
17 federal, state, or local government entity, any judge, justice or judicial officer presiding
18 over this matter, the members of their immediate families, and their judicial staffs; and
19 any insured or member whose coverage is subject to the provisions of the Employee
20 Retirement Income Security Act.

21 III. This action has been brought and may properly be maintained as a class action pursuant
22 to the provisions of Code of Civil Procedure section 382 because there is a well-defined
23 community of interest in the litigation and the proposed class is easily ascertainable.

- 24 • **Numerosity**: The class is so numerous that individual joinder of all members would
25 be impracticable. While the exact number of class members is unknown, upon
26 information and belief, plaintiffs allege that the proposed class would include
27 hundreds, if not thousands, of policyholders.
- 28 • **Commonality**: Common questions of law and fact that pertain to all class members,
and which predominate over other questions that affect only individual class members,

