



NEBRASKA
APPLESEED
STAND UP FOR JUSTICE

March 3, 2015

McDowell Foundation Progress Report

On August 1, 2014, the case of *Leiting-Hall v. Winterer* commenced. Nebraska Appleseed filed this class-action lawsuit on behalf of two clients (a working, single mother and a four-person family) who have been unlawfully delayed from receiving urgent and necessary help providing food for their families through the Supplemental Nutrition Assistance Program (SNAP), seeking to represent a class of hundreds of households that have had to unlawfully wait to receive SNAP.

The suit is against the CEO of Nebraska's Department of Health and Human Services (DHHS), and the Director of the DHHS Division of Children and Families. At the time of the filing, Kerry Winterer and Thomas Pristow were responsible for administering SNAP in Nebraska. Due to changes with the new governor's administration, neither Winterer nor Pristow are still with the DHHS and will have to be subsisted when new officials are appointed. Throughout the state, the SNAP program helps about 175,000 Nebraskans know where their next meal is coming from. Nearly 75 percent of SNAP participants are in families with children; more than one-quarter of participants are in households with seniors or people with disabilities.

Unfortunately, DHHS has systematically failed to follow federal rules that require SNAP to be provided to eligible households within set timeframes. Following these timeframes is vital, because the failure to do so means that hundreds of SNAP households do not receive assistance to purchase food when they need it. The lawsuit alleges that hundreds of Nebraska households have waited longer than the legally required timeframe to receive SNAP, and requests that DHHS administer the Nebraska SNAP program in a manner that complies with federal law. WDPP filed this lawsuit along with three attorneys from the National Center for Law and Economic Justice, which has extensive experience in similar litigation.

Over the past few months, we filed a motion and brief in support of class certification. The Magistrate Judge recommended that the class be certified, and we are currently awaiting

approval of these recommendations from the District Judge. We also worked on discovery by serving and receiving responses to interrogatories and requests for production. We will also be conducting Rule 30(b)(6) depositions at the end of March. The deadline for filing a summary judgment motion is in mid-April. After the motion is filed we will file a brief. If a motion for summary judgment is not granted, we will continue working toward a trial or a settlement.

Any questions regarding this case can be directed to Nebraska Appleseed Staff Attorney Molly McCleery at mmcCleery@neappleseed.org or 402-438-8853 ext. 113.