

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

James and Lorie Jensen, as parents, guardians  
and next friends of Bradley J. Jensen; James  
Brinker and Darren Allen, as parents,  
guardians and next friends of Thomas M.  
Allbrink; Elizabeth Jacobs, as parent, guardian  
and next friend of Jason R. Jacobs; and others  
similarly situated,

Civil No. 09-1775 (DWF/FLN)

Plaintiffs,

v.

**ORDER**

Minnesota Department of Human Services,  
an agency of the State of Minnesota; Director,  
Minnesota Extended Treatment Options, a  
program of the Minnesota Department of  
Human Services, an agency of the State of  
Minnesota; Clinical Director, the Minnesota  
Extended Treatment Options, a program of  
the Minnesota Department of Human Services,  
an agency of the State of Minnesota; Douglas  
Bratvold, individually, and as Director of the  
Minnesota Extended Treatment Options, a  
program of the Minnesota Department of Human  
Services, an agency of the State of Minnesota;  
Scott TenNapel, individually and as Clinical  
Director of the Minnesota Extended Treatment  
Options, a program of the Minnesota Department  
of Human Services, an agency of the State of  
Minnesota; and State of Minnesota,

Defendants.

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Margaret Ann Santos, Esq., Mark R. Azman, Esq., and Shamus P. O'Meara, Esq.,  
O'Meara Leer Wagner & Kohl, PA, counsel for Plaintiffs.

Steven H. Alpert and Scott H. Ikeda, Assistant Attorneys General, Minnesota Attorney General's Office, counsel for State Defendants.

Samuel D. Orbovich, Esq., and Christopher A. Stafford, Esq., Fredrikson & Byron, PA, counsel for Defendant Scott TenNapel.

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This order is issued in response to the November 1, 2013 request of the Court Monitor for an order that he have the responsibility to finalize the Department of Human Services Implementation Plan for the Settlement Agreement Rule 40 Modernization which was timely submitted by DHS on October 30, 2013 pursuant to the Order of August 27, 2013.<sup>1</sup> The parties do not object to this request.

**IT IS HEREBY ORDERED** that:

1. The Court Monitor's request is **GRANTED**. He shall have the responsibility and authority to finalize the Department of Human Services Plan for the Settlement Agreement Evaluation Rule 40 Modernization ("Plan") which was timely submitted by DHS on October 30, 2013 (Doc. No. 244) pursuant to the Order of August 28, 2013. The Court Monitor may utilize the assistance of one or more consultants.

2. The Court Monitor shall implement this order in cooperation with Deputy Commissioner Anne Barry, who shall ensure the availability of appropriate DHS staff and the provision of documents and other resources requested by the Court Monitor or his

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<sup>1</sup> The Court Monitor's letter-request explains, "The Plan is not yet acceptable. Rather than prepare a detailed analysis, I discussed with Deputy Commissioner Anne Barry the possibility of a cooperative effort in which I would be responsible to finalize a plan to meet your approval. Ms. Barry agreed."

consultants. The Court Monitor has also committed to permitting the participation in this process of Plaintiff Class Counsel, and the consultants to the parties, Ms. Roberta Opheim and Dr. Colleen Wieck.

Dated: November 1, 2013

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge