

**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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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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Before the Court are the Court Monitor's *Observations Regarding the State of Minnesota's April 22, 2014 Olmstead Plan Update* (Doc. No. [306]), filed May 14, 2014 ("Observations").

Among other things, the Court Monitor reports:

The OIO [Olmstead Implementation Office] prepared a detailed Resource Request for its operations including six professional staff plus an executive assistant, for a total budget estimate of about \$2.1 million annually. The Governor's Supplemental Budget Request for the OIO included \$0.5 million for 2015, and \$2.0 million for each of FY 2016 and 2017. However, ***as of the writing of this report, May 14, 2014, the House-Senate Conference Committee has before it a 50% cut for the OIO, that is, \$1,000,000 for each of FY 2016 and 2017.***<sup>1</sup>

The Olmstead Plan was drafted by a Subcabinet composed of state department commissioners, under the Lieutenant Governor's leadership, pursuant to an Executive Order of the Governor. Without here expressing a judgment on a budget level necessary to secure and effectively oversee implementation of the Olmstead Plan, the Court assumes that the Governor and his subcabinet approved what it believed to be a necessary level.

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<sup>1</sup> Observations at 1 (emphasis in original).

It is premature for the Court to consider any consequences or responses to future inadequacies in either OIO's performance or resources. To ensure timely attention to these issues going forward,

**IT IS HEREBY ORDERED** that the Court Monitor shall follow up with the Lieutenant Governor, the Subcabinet, the Executive Director of the Olmstead Implementation Office, and other relevant officials from time to time on the issues discussed in this order.<sup>2</sup>

Dated: May 19, 2014

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

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<sup>2</sup> See Order of January 22, 2014 (Doc. No. 265) ("This Court respectfully directs that the Olmstead Subcabinet use all of its combined resources and talents to implement the Olmstead Plan. Further, the Court respectfully directs that the Olmstead Subcabinet cooperate, communicate, and work with the Court Monitor.").