

**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/BRT)

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 the State of Minnesota,

Defendants.

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

Scott H. Ikeda, Aaron Winter, and Anthony R. Noss, Assistant Attorneys General,
Minnesota Attorney General's Office, counsel for State Defendants.

The Court received the *Jensen Settlement Agreement Comprehensive Plan of Action (CPA)* – August 2016 Semi-Annual Compliance Report, Reporting Period: October 1, 2015 – June 30, 2016 (Doc. No. 589) from the Department of Human Services on August 31, 2016. Pursuant to the Court's September 20, 2016 Order, David Ferleger remains appointed as the Court Monitor and External Reviewer in this case. (Doc. No. 593.) Pursuant to the Court's March 18, 2016 Order, the Court Monitor's duties directed under prior Orders, including periodic reporting requirements, were stayed. (Doc. No. 551 at 24.) The Court, however, stated that it "reserve[d] the right to direct the Court Monitor to investigate and verify other issues that may arise in the future," and that it "may issue subsequent orders on the scope of the Court Monitor's role." (*Id.*) In its September 20, 2016 Order, the Court indicated that a separate Order would follow indicating the next steps the Court Monitor will take regarding the investigation and monitoring of Defendants' compliance with the *Jensen Settlement Agreement* ("JSA") and the *Comprehensive Plan of Action* ("CPA"). (Doc. No. 593.)

Based on the current status of this case, and the continued need for ongoing monitoring of Defendants' compliance with the *Jensen Settlement Agreement* and CPA, **IT IS HEREBY ORDERED** as follows:

1. The Court's stay on the Court Monitor's duties is hereby lifted as follows.
The Court Monitor shall review the *Jensen Settlement Agreement Comprehensive Plan of*

Action (CPA) – August 2016 Semi-Annual Compliance Report, Reporting Period:

October 1, 2015 – June 30, 2016 (Doc. No. 589), along with prior reports that addressed ECs not covered in the most recent report, review the JSA and CPA, and provide the Court with a report that assesses substantial compliance with regard to all components of the JSA and CPA based on his review of those documents. In addition, the Court Monitor shall identify in its report to the Court those areas where he needs more information and his recommendation for obtaining that information. The Court Monitor's report should be provided to the Court by **October 21, 2016**.

Dated: September 29, 2016

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