

**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.

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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.

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On September 29, 2016, the Court ordered the Court Monitor to “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.” (Doc. No. 595.) In addition, the Court ordered the Court Monitor to “identify in its report to the Court those areas where he needs more information and his recommendation for obtaining that information.” (*Id.*) The Court Monitor's report was due to the Court by October 21, 2016. The Court timely received the Court Monitor's report and forwarded the report to counsel.

Based on the current status of this case, and the recognized schedule for ongoing reporting and verification by Defendants, **IT IS HEREBY ORDERED** as follows:

1. Absent further order of the Court, the Court Monitor shall meet about the substance of the Court Monitor's compliance assessment report with the parties or party representatives<sup>1</sup> on or before **November 14, 2016**, to discuss the areas identified by the

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<sup>1</sup> At a minimum, the Court expects the internal reviewer Dr. Daniel Baker, DHS attorney Rick Figueroa, and the Director of the Jensen/Olmstead Quality Assurance and Compliance Office Peg Booth to attend the meet and confer with the Court Monitor. Other staff from the Jensen/Olmstead Quality Assurance and Compliance Office shall be  
(Footnote Continued on Next Page)

Court Monitor as being in non-compliance or inconclusive, and to discuss verification processes and concerns.

2. The Court Monitor may amend his compliance assessment report as he finds appropriate after the meet and confer and shall file his compliance assessment report (as amended) on or before **November 28, 2016**.

3. Defendants may thereafter file a response to the Court Monitor's compliance assessment report by **December 12, 2016**.

4. The next bi-annual Status Conference in this case will be held on **December 22, 2016**, at 1:00 p.m., in Courtroom 7C, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota, before Judge Donovan W. Frank and Magistrate Judge Becky R. Thorson. The Status Conference will include time for the parties, Court Monitor, and Court Consultants to present positions, comments, or recommendations regarding the current status of compliance or non-compliance of the Jensen Settlement Agreement and Comprehensive Plan of Action ("CPA").<sup>2</sup>

Dated: October 26, 2016

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

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made available as necessary. Trial counsel of record for the parties may elect not to attend this meeting. The Court Consultants are not expected to attend this meeting.

<sup>2</sup> A Status Conference regarding the Olmstead Plan will be held at a later date.