

**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.

In previous orders, the Court established a plan to convene biannual status conferences with Defendants' Counsel, Plaintiffs' Class Counsel, and the Consultants to facilitate the Court's continued oversight in this matter. (*See* Doc. Nos. 544, 545.) The Court will hold a Biannual Status Conference in this matter on Friday, March 24, 2017, at 9:30 a.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. (*See* Doc. No. 613.) The Status Conference will address Defendants' implementation of the *Olmstead* Plan.

The last Biannual Status Conference addressing the *Olmstead* Plan was held on June 6, 2016. (Doc. No. 576.) Since that time, multiple relevant items have been submitted to the Court. On June 17, 2016, Commissioner Mary Tingerthal, Chair of the *Olmstead* Subcabinet, submitted proposals regarding *Olmstead* reporting deadlines and the process for adopting *Olmstead* goals. (Doc. No. 577.) On June 21, 2016, the Court approved these proposals. (Doc. No. 578 at 7-9.) On August 1, 2016, Defendants submitted new *Olmstead* Plan Workplans which were approved by the Court on August 29, 2016. (Doc. Nos. 581 & 587.) On September 30, 2016, Defendants submitted refreshed *Olmstead* Plan Workplans, and on October 26, 2016, the Court acknowledged receipt thereof, reserving any concerns about the Workplans for the next Status Conference. (Doc. Nos. 596 & 597.) The Court also received three Quarterly

Reports on *Olmstead* Plan Measurable Goals and an Annual Report on *Olmstead* Plan Implementation pursuant to the established reporting schedule. (*See* Doc. Nos. 544, 588, 602, 609, 617.) Finally, on February 28, 2017, Defendants submitted a revised version of Minnesota's *Olmstead* Plan incorporating amendments developed through the established amendment process. (Doc. No. 616.) The Court has also received proposed agenda items for the March 24, 2017 Biannual Status Conference.

Based upon the submissions and presentations of the parties, the entire record before the Court, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

The Court's agenda for the March 24, 2017 Status Conference is as follows:

- 1. Call to Order**
- 2. Introductions**
- 3. Overview by the Court**
- 4. Annual Report on *Olmstead* Plan Implementation**
 - a. Defendants shall report to the Court on the results included in the Annual Report on *Olmstead* Plan Implementation. (Doc. No. 609.)

In particular, Defendants shall identify notable areas of success and areas in need of improvement.
 - b. For those areas where goals are not being met, the Court seeks an update on the particular obstacles or hurdles preventing effective implementation.

5. *Olmstead* Plan – February 2017 Revision

- a. Defendants shall report to the Court on the revised *Olmstead* Plan.
(Doc. No. 616.) Defendants shall identify the amendments included in this version of the *Olmstead* Plan and explain the rationale for these amendments.
- b. Defendants shall also report on the *Olmstead* Plan review and amendment process, identifying what parts of the process worked well and what may need improvement.

6. Opportunity for Comment

- a. Following Defendants' presentation of items 4. and 5., above, Plaintiffs' Class Counsel and the Consultants may provide comments or observations regarding these topics.

7. Administrative Issues

- a. Defendants shall present to the Court on proposed modifications to the reporting and amendment process.

8. Community Outreach and Education

- a. Defendants shall update the Court on efforts to educate the public about the *Olmstead* Plan and its implementation.

9. Next Steps

Date: March 16, 2017

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