

**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, Anthony R. Noss, and Michael N. Leonard, Assistant Attorneys General, Minnesota Attorney General's Office, counsel for State Defendants.

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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 Thursday, July 12, 2018, at 1:30 p.m, in the 7th Floor Conference Room, 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. (Doc. No. 687.) The Status Conference will address the *Jensen* Settlement Agreement ("JSA"), the Comprehensive Plan of Action ("CPA"), and the *Olmstead* Plan.

The last Biannual Status Conference in this matter was held on December 8, 2017. (Doc. Nos. 670, 672.) Since then, multiple relevant items have been submitted to the Court. With respect to the JSA and CPA, Defendants have filed a Semi-Annual Compliance Report and an Annual Compliance Report. (*See* Doc. Nos. 676, 683.) With respect to the *Olmstead* Plan, Defendants have filed two Quarterly Reports, an Annual Report, and the March 2018 Revision to the *Olmstead* Plan. (*See* Doc. Nos. 673, 680, 681, 688.)

Based upon 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 July 12, 2018 Status Conference is outlined below. No later than Monday, July 9, 2018, the parties or the Consultants may submit additional proposed agenda items for the Court's consideration.

- 1. Call to Order**
- 2. Introductions**
- 3. Overview by the Court**
- 4. *Jensen Settlement Agreement & Comprehensive Plan of Action***
  - a. Defendants shall report on the current status of compliance with the *Jensen Settlement Agreement* ("JSA") and *Comprehensive Plan of Action* ("CPA") in light of the following reports which have been submitted to the Court since the December 8, 2017 Status Conference:
    - i. *Jensen Settlement Agreement Comprehensive Plan of Action* (CPA) February 2018 Semi-Annual Compliance Report, Reporting Period July 1, 2017 – December 31, 2017 (filed on February 28, 2018). (Doc. No. 676.)
    - ii. *Jensen Settlement Agreement Comprehensive Plan of Action* (CPA) March 2018 Annual Compliance Report, Reporting Period: January 1, 2017 – December 31, 2017 (filed on March 30, 2018). (Doc. No. 683.)

- b. To accomplish item 4.a., Defendants shall identify individuals with knowledge to report on actions they have completed or efforts they have made, along with presentations by Defendants' counsel, if any.
- c. In reporting to the Court on item 4.a., Defendants shall identify notable areas of success and areas in need of improvement. In addition, the Court seeks an update on the current status and circumstances of the *Jensen* Class Members.
- d. Following Defendants' presentation on the JSA and CPA, Plaintiffs' Class Counsel and the Consultants may provide comments or observations on these topics.

**5. *Olmstead* Plan Implementation**

- a. Defendants shall report on the current status of the *Olmstead* Plan's implementation in light of the following reports which have been submitted to the Court since the December 8, 2017 Status Conference:
  - i. *Olmstead* Subcabinet Annual Report on *Olmstead* Plan Implementation, Reporting Period: Data Acquired Through October 31, 2017 (filed on December 21, 2017). (Doc. No. 673.)
  - ii. *Olmstead* Subcabinet Quarterly Report on *Olmstead* Plan Measurable Goals, Reporting Period: Data Acquired

Through January 31, 2018 (filed on February 28, 2018).

(Doc. No. 680.)

iii. *Olmstead* Subcabinet Quarterly Report on *Olmstead* Plan

Measurable Goals, Reporting Period: Data Acquired

Through April 30, 2018. (Doc. No. 688.)

- b. To accomplish item 5.a., Defendants shall identify individuals with knowledge to report on actions they have completed or efforts they have made, along with presentations by Defendants' counsel, if any.
- c. In reporting to the Court on item 5.a., Defendants shall identify notable areas of success and areas in need of improvement. In particular, the Court seeks a thorough presentation on the Quality of Life Survey results and next steps in this process.
- d. Following Defendants' presentation on the *Olmstead* Plan, Plaintiffs' Class Counsel and the Consultants may provide comments or observations on these topics.

**6. *Olmstead* Plan – March 2018 Revision**

- a. Defendants shall report to the Court on the revised *Olmstead* Plan. (Doc. No. 681.) 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.
- c. Following Defendants' presentation of items 6.a. and 6.b., above, Plaintiffs' Class Counsel and the Consultants may provide comments or observations regarding these topics.

**7. Next Steps**

Date: June 25, 2018

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