

**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.

The Court is in receipt of Defendants' request to reschedule the status conference currently scheduled for July 13, 2020.¹ ([Doc. No. 848](#) ("Request").) The Court grants the request insofar as the status conference is postponed until September 24, 2020 at 9:00 AM.²

Jurisdiction is currently scheduled to end on September 15, 2020. ([Doc. No. 737](#).) To ensure an opportunity for each party to be heard with respect to Dr. Gary LaVigna's forthcoming report regarding the use of mechanical restraint at the Forensic Mental Health Program and Anoka Regional Treatment Center,³ and to review other reports submitted since the last status conference, the Court deems it just and equitable to extend its jurisdiction until October 24, 2020.⁴ Notwithstanding, the Court expressly reserves the authority and jurisdiction to order an additional extension of jurisdiction, depending

¹ Defendants state that they are unavailable July 12-24; however, they suggest that the conference be held on an alternative date in July. (Request.) Due to previously scheduled trials and hearings, the Court is unable to accommodate Defendants' preferred dates.

² In light of the Court and Defendants' schedules, September 24, 2020 is the earliest the conference may occur.

³ Due to the COVID-19 pandemic and the additional barriers it posed to communicating and sharing documents, the Court extended the deadline for Dr. Gary LaVigna to submit his report regarding the use of mechanical restraint at the Forensic Mental Health Program and Anoka Regional Treatment Center until June 30, 2020. ([Doc. No. 836](#).)

⁴ Pursuant to the Settlement Agreement § XVII.B, and the Eighth Circuit's ruling, this Court may extend its jurisdiction as it deems "just and equitable." ([Doc. No. 136-1](#) § XVII.B; [Doc. No. 695 at 12](#).) Here, the Court finds that an extension until October 24, 2020, approximately one month after the September 24, 2020 status conference, is necessary to respond to what occurs during the status conference and to properly determine whether its jurisdiction may at last come to a just and equitable end.

upon the status of Defendants' compliance and absent stipulation of the parties. Until the Court's jurisdiction ends, all reporting requirements remain unchanged.

ORDER

Based upon the presentations and submissions before the Court, and the Court being otherwise duly advised in the premises, **IT IS HEREBY ORDERED** that:

1. The status conference shall be held on September 24, 2020 at 9:00 AM 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.

2. The Court's jurisdiction is extended to October 24, 2020. The Court expressly reserves the authority and jurisdiction to order an additional extension of jurisdiction, depending upon the status of Defendants' compliance and absent a stipulation of the parties.

Date: June 17, 2020

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