

**IABA**® The Institute For  
Applied Behavior Analysis  
*Over 30 Years Of Excellence*

July 31, 2020

Honorable Donovan W. Frank  
Warren E. Burger Federal Building  
& U.S. Courthouse  
Suite 724  
316 North Robert Street  
St. Paul, MN 55101

Re: CV 09-1775 DWF/BRT Jensen et al v. MDHS et al

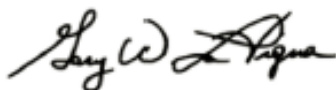
Dear Judge Frank,

I am in receipt of copies of the letters you received from Scott Ikeda, regarding my invoices for the services I provided in May and June as well as the letters from Roberta Opheim and Colleen Wieck, regarding the External Review I submitted and from Shamus O'Meara regarding the report. This letter focuses on the letter from Scott Ikeda as my response to the other two letters will depend on your response to this letter. For your convenience, I have attached copies of the invoices for May and June as previously sent.

As you can see, I have provided significant details, including the days on which I worked on the report, not just the number of hours but the specific hours I worked on the report, and a list of the various activities I carried out during those periods of time. This varied, of course, from day to day and I acknowledge that I did not maintain a diary of what I specifically read or down loaded, or discussed or reviewed each day, who I talked to each day, specifically what I wrote each day, etc., etc., as I didn't know I would have to provide that level of detailed information on my monthly invoice. I have never been asked to provide that level of detail in my invoices before, including for the multiple reports I have previously provided for the State of Minnesota. If I was able to provide such an invoice, I believe it would be several pages long.

With appreciation for your consideration, I humbly request that you approve both the May and June invoices. This will enable me to move on to the other two letters.

Respectfully,



Gary W. LaVigna, Ph.D.



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May 30, 2020

Honorable Donovan W. Frank  
Warren E. Burger Federal Building  
& U.S. Courthouse  
Suite 724  
316 North Robert Street  
St. Paul, MN 55101

Invoice

Total

Hours: 40.75 hours of service in May 2020 @ \$500 contracted hourly rate.\* \$20,375.00

Total due \$20,375.00

\*5/4/20 – 1.5 hours; 5/5/20 – 1.5 hours; 5/7/20 – .75 hours; 5/8/20 - 3.50 hours; 5/11/20 – 3.25 hours; 5/12/20 - 2.5 hours; 5/14/20 - 2 hours; 5/18/20 - 4.5 hours; 5/19/20 – 4.50 hours; 5/20/20 - 3 hours; 5/21/20 – 1 hour; 5/25/20 – 3.75; 5/26/20 – 2 hours; 5/27/20 – 4 hours; 5/28/20 – 2 hours; 5/29/20 – 1 hour.

For each of the time intervals shown above, my work activities included one or more of the following: total 40.75 hours was spent down-loading documents (including encrypted files), reading documents, multiple conference calls and email exchanges with DHS staff Peg Booth, Beth Sullivan, Dan Baker and Catherine Courcy, brief communication with Colleen Wieck and Roberta Opheim, a telephone meeting with Angela Dugan, Soniya Hirachan, and Alyce Knaak and extensive report writing and editing with virtually continuous double checking on the documents and links I had available as I wrote the report. I kept a concrete record of the hours I spent doing this work, a copy of which I have attached. In between the time intervals shown above, I spent many, many hours thinking about the report and what I wanted to include. None of the many hours I spent doing this have been included in this billing.

Thank you,

Gary W. LaVigna, Ph.D., BCBA-D  
Co-founder



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FHRP AMRTC  
 42.25  
 41.25 ✓  
 5/4 1.50  
 5/5 11-12:30 1.50  
 5/7 11-11:45 .75  
 5/8 11-1:00  
 1:30-3:00 3.5  
 5/11 11-2:15 3.25  
 5/12 1-3:30 2.50  
 5/14 1-1:00 2-  
 5/18 10-1:00 3  
 2:30-4:00 4.5  
 5/19 4 1/2 hours 4.5  
 5/20 3 hours 3-  
 5/21 1 hour 1-  
 5-25:11-2 PM 3-  
 4-4:45 3.75  
 5-26 1-3 2-  
 5-27 1-5 4-  
 5-28 11:15-12:15  
 1-2:00 PM 2-  
 5-29 1:50-2:50 1-



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June 30, 2020

Honorable Donovan W. Frank  
Warren E. Burger Federal Building  
& U.S. Courthouse  
Suite 724  
316 North Robert Street  
St. Paul, MN 55101

Invoice

<u>June Hours:</u> 53 hours of service in June 2020 @ \$500 contracted hourly rate.*	<u>Total</u> \$26,500.00
Total due	-\$26,500.00

\*6/1/20 – 3.5 hours; 6/2/20 – 2.5 hours; 6/3/20 – 1 hour; 6/4/20 - 3.25 hours; 6/5/20 – 2.5 hours; 6/6/20 - 2.5 hours; 6/7/20 – 1.25 hours; 6/8/20 - 2.25 hours; 6/9/20 – 3.5 hours; 6/10/20 - 4 hours; 6/22/20 – 2 hours; 6/23/20 – 4.75 hours; 6/24/20 – 6.25 hours; 6/25/20 – 3 hours; 6/26/20 – 2.5 hours; 6/27/20 – 3 hours; 6/28/20 – 1.75 hours; 6/29/20 – 3.5 hours. 53 total hours. Attached

For each of the time intervals shown above, my work activities included one or more of the following: the Total of 53 hours was spent down-loading documents (including additional encrypted files), reading documents, multiple conference calls and email exchanges with DHS staff Peg Booth, Beth Sullivan, Dan Baker and Catherine Courcy, a brief communication with Mary Rogers assigned to Anoka from the Ombudsman's office, and extensive report writing and editing with virtually continuous double checking on the documents and links I had available as I wrote the report. I kept a concrete record of the hours I spent doing this work, a copy of which I have attached. In between the time intervals shown above, I spent many, many hours thinking about the report and what I wanted to include. None of the many hours I spent doing this has been included in this billing.

Thank you,

Gary W. LaVigna, Ph.D., BCBA-D  
Co-founder



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June 1 10:30 - 12:30 } 3.5  
 1:30 - 3:00 }  
 June 2 10:00 - 12:30 2.5  
 June 3 2:00 - 3:00 1  
 June 4 11:15 - 12:30 } ~~3.25~~ 3.25  
 2:15 - 4:15 }  
 June 5 11:00 - 12:30 } 2.5  
 3:00 - 4:00 }  
 June 6 11:30 - 12:30 } 2.5  
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 June 7 1:30 - 2:45 1.25  
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 June 9 11:00 - 1:00 } 3.5  
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 June 10 11:00 - 1:00 } 4  
 3:00 - 5:00 }  
 June 11 11:00 - 11:15  
 June 22 12:15 - 4:15 2  
 June 23 11:45 - 12:45 } 4.75  
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 June 24 10:15 - 12:45 } 6.25  
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 June 25 10:45 - 12:45 } 3  
 3:30 - 4:30 }  
 June 26 10:10 - 11:10 } 2.5  
 1:30 - 3:00 }  
 June 27 10:45 - 12:45 } 3  
 3:45 - 4:45 }  
 June 28 12:00 - 1:45 1.75  
 June 29 10:30 - 2:00 3.5  
 May 26, 2000