

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James and Lorie Jensen, et al.,

Case No. 09-cv-01775 (DWF/BRT)

Plaintiffs,

vs.

Minnesota Department of
Human Services, et al.,

Defendants.

**STATE DEFENDANTS’
MEMORANDUM OF LAW IN
SUPPORT OF THEIR UNOPPOSED
MOTION TO RETURN
REGISTRY FUNDS TO THE
MINNESOTA DEPARTMENT OF
HUMAN SERVICES**

Over the nearly nine years since the Court approved the settlement in this case, the Court ordered the deposit of funds into its “registry” by the Minnesota Department of Human Services (DHS). (Docs. 227, 286, 383.) From that registry, the Court ordered payment for its monitor¹ and other outside review². The Court indicated in prior orders that it would return unused funds to DHS. (*See, e.g., Doc. 286* (“Upon the Court’s order determining that the Court Monitor’s work under its orders has concluded, any balance

¹ (Docs. 164, 173, 182, 191, 218, 221, 234, 252, 260, 267, 277, 291, 307, 316, 331, 339, 345, 367, 380, 394, 406, 410, 436, 474, 485, 518, 527, 546, 557, 570, 605).

² (*See Doc. 872 at 4* (“Pursuant to and under the terms of its Order of March 4, 2020, the Clerk of Court shall issue a check to Dr. Gary LaVigna in the amount of \$46,875 reflecting the total amount owed pursuant to his Revised May Invoice and his June Invoice.”); *Doc. 820 at 4* (stating Court will issue “an appropriate order for payment from the Court’s registry” to Dr. LaVigna).) In addition, the Court ordered a check issued to “Joseph Marvin in the amount of \$12,200, plus any interest remaining in the account, drawn on this litigation’s Registry account.” (*Doc. 195.*) For the Court’s information, it does not appear that the docket contains receipts concerning the funds ordered paid at Docs. 605 and 872.

remaining in the Registry account shall promptly be returned to the Minnesota Department of Human Services.”); [Doc. 383](#) (“Within a reasonable time following June 30, 2016, the Court shall issue a check to the Department for any remaining Deposit funds held in the Court’s registry.”).) State Defendants understand that the registry account holds over \$600,000 of funds that should be returned to DHS.

On September 4, 2020, the Court held that “Defendants have substantially complied with all requirements pursuant to this lawsuit” and ended its jurisdiction on October 24, 2020. ([Doc. 879 at 17](#)). Plaintiffs did not appeal that order. The next month, the Court denied Plaintiffs’ Motion for Sanctions and Appointment of Independent Reviewer, ([Doc. 895](#)), and Plaintiffs did not appeal that order either. Now that the case is over and Plaintiffs’ time to appeal any of the Court’s orders has expired, *see Fed. R. App. P. 4(a)(1)(A)*, the Court should—consistent with its prior orders—order the Clerk of Court return funds held in the Court’s registry related to this matter.

Plaintiffs do not object to the relief sought. (Ikeda Decl. Ex. 1).

Dated: December 2, 2020

Respectfully submitted,

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