

**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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This matter concluded on October 24, 2020 pursuant to the Court's Order of September 4, 2020 when it ruled that the Court's jurisdiction over the above-entitled matter would end on October 24, 2020. ([Doc. No. 879](#)).

As the Court anticipated at the outset, and as the history of this case has demonstrated, "[t]he subject matter encompassed by the Settlement Agreement [was] specialized and its implementation [was] admittedly complex, involving intricate and interlocking activities by multiple state agencies, state officials, and others, over many months." (Order of July 17, 2012 at 4) ([Doc. No. 159](#)).

Given the nature of the case, and compliance questions which had arisen, on July 17, 2012, the Court appointed David Ferleger "as an independent advisor to the Court to assess and monitor the implementation of the Settlement Agreement." ([Doc. No. 159 at 11](#)). Later, when the parties were unable to agree on an External Reviewer under the Settlement Agreement, the Court, with the parties' consent, appointed Mr. Ferleger as the External Reviewer ([Doc. No. 211](#), Order of April 23, 2013); Second Amended Comprehensive Plan of Action at 13-14, ¶42-43 ([Doc. No. 283](#)).

Mr. Ferleger fulfilled his obligations fully, and with diligence, precision, sensitivity and wisdom. He has served the Court well and has demonstrated a patient commitment to the ends of justice. The Court thanks him for his service.

Based upon the status of the case and the Court being otherwise duly advised in the premises, hereby enters the following:

**ORDER**

1. David Ferleger is hereby discharged from all duties and obligations under the previous orders of the Court.

Dated: December 17, 2020

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