

**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.

Shamus P. O'Meara, Esq., and Mark R. Azman, Esq., O'Meara Leer Wagner & Kohl,
PA, counsel for Plaintiffs.

Nathan A. Brennaman, Deputy Attorney General, Scott H. Ikeda, Aaron Winter, and Anthony R. Noss, Assistant Attorneys General, Minnesota Attorney General's Office, counsel for State Defendants.

On September 29, 2015, the Court approved the State's *Olmstead* Plan. (Doc. No. 510.) Two topic areas remained "under development" when the Court approved the *Olmstead* Plan—"Assistive Technology" and "Preventing Abuse and Neglect." (See Doc. No. 486-1 at 93.) According to the *Olmstead* Plan, these topic areas "will be developed during the first year of implementation of [the *Olmstead* Plan] and will be included in the Plan as modifications." (*Id.*) Since the *Olmstead* Plan's approval, the Court facilitated a mediated discussion regarding the remaining goal topics for the *Olmstead* Plan. The Court understands that the parties are working together to define proposed goals for the remaining two topic areas that are consistent with the purpose of the *Olmstead* Plan and meet the Court's past orders.

The Court will hold a Status Conference in this matter on Monday, June 6, 2016 before the undersigned and Magistrate Judge Becky R. Thorson. (See Doc. No. 552.) At this Status Conference, the Court and the parties will address the *Olmstead* Plan's implementation. (See *id.*) Given the timing of the Court's approval of the *Olmstead* Plan and the upcoming Status Conference in this matter, the Court concludes it is appropriate to establish a deadline for the Defendants to submit their updated *Olmstead* Plan incorporating their proposed goals for the topic areas under development.

Based upon the submissions and presentations of the parties, the entire record before the Court, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendants will have until May 13, 2016 to submit an updated *Olmstead* Plan that incorporates their proposed goals for the remaining topic areas.
2. If the parties require further mediated discussions, they must contact Magistrate Judge Becky R. Thorson's Chambers before April 18, 2016 for scheduling.

Dated: April 12, 2016

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