

**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/FLN)

Plaintiffs,

v.

**ORDER ON
EXTERNAL REVIEWER**

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 State of Minnesota,

Defendants.

M. Ann Santos, Esq., Mark R. Azman, Esq., and Shamus P. O'Meara, Esq., Johnson & Condon, PA, counsel for Plaintiffs.

P. Kenneth Kohnstamm and Steven H. Alpert, Assistant Attorneys General, Minnesota Attorney General's Office, counsel for State Defendants.

Samuel D. Orbovich, Esq., and Christopher A. Stafford, Esq., Fredrikson & Byron, PA, counsel for Defendant Scott TenNapel

The Court has decided to convene an in-person status conference approximately one year from the Court's adoption of the Settlement Agreement as an order of the Court. The Court deems this an opportune and appropriate time to consider the pace of Defendants' implementation of the obligations they undertook both as to the facility and system-wide, including but not limited to community integration under *Olmstead v. L.C.*, and to consider any circumstances which may hinder Defendants' implementation with all deliberate speed. Counsel for Plaintiffs and for the Department of Human Services ("DHS"), and specified DHS officials, shall attend. The Court's Independent Consultant and Monitor will be present. The settlement consultants are invited.

At the status conference the Court will review with the parties the status of the items listed in the agenda below. Counsel for the parties may confer and, if they wish, may submit suggested additional agenda items at least fourteen (14) days before the conference.

IT IS HEREBY ORDERED:

1. An in-person status conference is scheduled for December 11, 2012 at 9:00 a.m., in Courtroom 7C, 7th Floor, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, MN 55101.

2. Counsel for Plaintiffs and for the Department of Human Services (“DHS”), shall attend. In addition, Assistant Commissioner Anne Barry and Chief Compliance Officer Gregory Grey shall attend. The Court’s Independent Consultant and Monitor will be present. The settlement consultants, Colleen Wieck and Roberta Opheim, are invited.

3. The parties shall be prepared to discuss:

a. Defendants’ readiness to be evaluated for compliance by the Independent Consultant and Monitor with regard to the Evaluation Criteria drawn from the Settlement Agreement, and Defendants’ proposed timetable for readiness for such evaluation,

b. the status of the *Olmstead* Planning Committee recommendations and the *Olmstead* Plan,

c. whether and how the staff training concerns identified by the Monitor have been rectified,

d. the status and plans under *Olmstead* for class member clients with developmental disabilities who may be at state facilities other than MSHS-Cambridge,

e. the nature of habilitation and developmental disabilities-specific services which are currently provided at MSHS-Cambridge,

f. the status of the Rule 40 Committee’s work and an estimated timeline for its completion,

g. Defendants’ plans for the future of MSHS-Cambridge, and

h. any circumstances which may hinder Defendants' implementation with all deliberate speed.

4. No written material is required to be presented. Should a party desire to present any written material for the conference, it shall submit the material (but not file with the Clerk) at least fourteen (14) days prior to the conference.

5. Counsel for the parties may confer and, if they wish, they may submit suggested additional agenda items for the Court's consideration at least fourteen (14) days before the conference.

IT IS SO ORDERED.

Dated: November 5, 2012

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