

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA

Chambers of
DONOVAN W. FRANK
DISTRICT JUDGE

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and United States Courthouse
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January 9, 2013

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Re: *Jensen, et al. v. Minnesota Department of Human Services, et al.*
Civil No. 09- 01775 (DWF/FLN)

Dear Counsel:

I am writing to you with respect to the above-entitled matter. First of all, thank you for the agenda that I have reviewed for the January 14-15, 2013 meeting with David Ferleger and your clients. I have no additions to the agenda. As to January 15, 2013, the Court is aware that Mr. Alpert, and perhaps others, are required to be in front of Magistrate Judge Jeffrey J. Keyes. In the event that going later into the evening on January 14, 2013 does not provide sufficient time for the conference, which I suggest should be ample time, or in the event that people need to think about some issues overnight and return on the morning of January 15, 2013, Magistrate Judge Keyes will not begin his status conference on the *Karsjens* case until 10:00 a.m. He will be so notifying all parties on that case, including Mr. Alpert, that 10:00 a.m. will be the start time on January 15th. Consequently, I believe, as does Mr. Ferleger, that that should be ample time for a meaningful get-together.

The primary purpose of my letter is to urge all of the parties to do their best to develop an implementation plan that would include tasks, deadlines, persons responsible, possible amendments to extend the jurisdiction of the Court for an additional period of time, etc., consistent with our discussions on December 11th.

Importantly, developing and agreeing on the role of Mr. Ferleger in his capacity as External Reviewer should also be discussed and the budgetary implications of that role. As

Counsel
January 9, 2013
Page 2

I noted in my December 20, 2012 Order, in the context of the parties' stipulation that Mr. Ferleger will serve as the External Reviewer, in discussing the specific role of Mr. Ferleger and the scope of his responsibilities, one approach will be to agree upon a budget that the Department of Human Services ("DHS") will be responsible for that would include payment to Mr. Ferleger in lieu of monthly monitoring by the Court. Obviously, there are significant budgetary implications to the role of Mr. Ferleger and who will be responsible for those costs. As the parties will see in the most recent order of the Court, the \$50,000 has been depleted from the original settlement agreement and the remainder of the most recent expenses of Mr. Ferleger—namely, the difference between \$19,069.58 and \$15,630.62—has been ordered by this Court to be paid by DHS. With or without agreement, as the language in my December 20, 2012 Order suggested, it is important that, with or without the Court's assistance, a budget for Mr. Ferleger is arrived at in the immediate future.

In the event the parties find that it is in their mutual best interests, or otherwise, that it is necessary to get together with the undersigned in the near future, the Court will make itself available. I will be in St. Louis on January 14, 2013 and will be back in St. Paul the afternoon of January 15, 2013. The Court concludes this letter with the hope that the January 14th meeting will be a productive meeting, the result of which will serve the best interests of all parties concerned, consistent with the original intend and spirit of the settlement agreement.

Very truly yours,

s/Donovan W. Frank

DONOVAN W. FRANK
United States District Judge

DWF:rlb
c: David Ferleger