

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Kevin Scott Karsjens, David  
Leroy Gamble, Jr., Kevin John  
DeVillion, Peter Gerard  
Lonergan, James Matthew  
Noyer, Sr., James John Rud,  
James Allen Barber, Craig  
Allen Bolte, Dennis Richard  
Steiner, Kaine Joseph Braun,  
Brian Christopher John  
Thuringer, Kenny S. Daywitt,  
and Bradley Wayne Foster,

Plaintiffs,

v.

Lucinda Jesson, Dennis Benson,  
Kevin Moser, Tom Lundquist,  
Greg Carlson, and Ann  
Zimmerman, in their individual  
and official capacities,

Defendants.

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Civ. No. 11-3659 (DWF/JJK)

**ORDER REGARDING THE MSOP  
PROGRAM EVALUATION TEAM**

On November 9, 2012, the Court entered an Order requiring the Minnesota Commissioner of Human Services (the "Commissioner") to create an evaluation team referred to as the "MSOP Program Evaluation Team." The MSOP Program Evaluation Team ("Evaluation Team") shall consist of five qualified sex offender clinical treatment professionals with the necessary knowledge and experience to evaluate the sex offender treatment phase progression in a secure facility to be appointed by the Commissioner and subject to Court approval. Three of the five

Evaluation Team positions shall be filled by the sex offender treatment experts contracted to perform the annual evaluation (Annual Evaluators) described in Minnesota Statutes, section 246B.03, subdivision 2 (2012). The Evaluation Team shall examine client treatment phase progression at the MSOP and provide the MSOP Executive Director, the Court, and Counsel for the parties in this litigation with its Findings and Recommendations in accordance with this Court's November 9, 2012 Order.

Counsel for the parties conferred by email to discuss potential candidates for the final two Evaluation Team positions prior to final appointment by the Commissioner.

After reviewing the candidates, the Commissioner appoints, and the Court hereby approves, the following individuals to serve on the Evaluation Team:

1. James L. Haaven, M.A. (Annual Evaluator)
2. William D. Murphy, Ph.D. (Annual Evaluator)
3. Robert J. McGrath, M.A. (Annual Evaluator)
4. Jill D. Stinson, Ph.D.
5. Christopher D. Kunkle, Psy.D.

The Evaluation Team shall have complete access to all relevant documents and to MSOP clients and staff only as necessary to perform their review and evaluation of client treatment phase progression at the MSOP. Information received or used by the Evaluation Team that is classified as private, not public, or protected health records or health information under law shall not

be directly or indirectly transferred, disclosed, or communicated in any way to any person other than persons retained by the Evaluation Team to assist in the evaluation, the court and its staff, counsel for the parties, or to persons who are the subject of the data if otherwise entitled to access under law, unless ordered by the Court. Upon release of the Evaluation Team's final Findings and Recommendations, data shall be public except for data on an individual classified under law as private, not public, or protected health records or health information. The Evaluation Team's draft and final Findings and Recommendations shall not contain any description, information, or data that would identify any particular individual.

Except as set forth in the Evaluation Team's final Findings and Recommendations, Evaluation Team members shall not provide any opinion or testimony based upon information acquired in the scope and performance of their duties on the Evaluation Team.

**SO ORDERED**

Date: December 13, 2012

s/ Jeffrey J. Keyes  
JEFFREY J. KEYES  
United States Magistrate Judge