

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CIVIL DOCKET FOR CASE #: 1:09-cv-00490-SS**

United States Of America v. State of Texas et al
Assigned to: Judge Sam Sparks
Cause: 42:1981 Civil Rights

Date Filed: 06/26/2009
Date Terminated: 06/29/2009
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States Of America

represented by **Benjamin Ogle Tayloe**
U.S. Department of Justice, Civil Rights
Division
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
(202) 514) 8103
Email: benjamin.tayloe@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel M. Castillo
U.S. Attorney's Office
816 Congress Avenue
Suite 1000
Austin, TX 78701
(512) 916-5858
Fax: 512/916-5854
Email: daniel.castillo@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric H. Holder , Jr.
U.S. Department of Justice
601 D Street, NW
Washington, DC 20004
(202) 514-6255
Fax: (202) 514-6273
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Loretta King
U.S. Department of Justice
Civil Rights Division, Special Litigation
Section
601 D Street, NW
Washington, DC 20004
(202) 514-6255
Fax: (202) 514-6273
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marina Mazor
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 305-3347
Email: marina.mazor@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shanetta Y. Cutlar

U.S. Department of Justice
Special Litigation Section
601 D Street, NW
Washington, DC 20004
(202) 514-6255
Fax: (202) 514-6273
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

State of Texas

represented by **David S. Morales**
Kelly Hart & Hallman LLP
303 Colorado Street, Suite 2000
Austin, TX 78701
512-495-6458
Email: david.morales@kellyhart.com
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James B. Eccles
Office of the Attorney General
General Litigation Division
P.O. Box 12548
Capitol Station
Austin, TX 78711
(512) 463-2120
Fax: 512/320-0667
Email: beau.eccles@texasattorneygeneral.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Carlton Todd
Office of the Attorney General
State of Texas
P.O. Box 12548
Capitol Station
Austin, TX 78711
(512) 463-2120
Fax: 512/320-0667
Email: jim.todd@texasattorneygeneral.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert B. O'Keefe
Office of the Attorney General
Assistant Attorney General
P.O. Box 12548
Capitol Station
Austin, TX 78711-2548
(512) 463-2120
Fax: 512/320-0667
Email: robert.okeefe@oag.state.tx.us
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

The Honorable Rick Perry
*Governor of the State of Texas, in his
official capacity only*

represented by **David S. Morales**
(See above for address)
TERMINATED: 10/11/2012

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James B. Eccles
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James Carlton Todd
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert B. O'Keefe
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Adelaide Horn
*Commissioner, Texas Department of
Aging and Disability Services, in her
official capacity only*

represented by **David S. Morales**
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James B. Eccles
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James Carlton Todd
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert B. O'Keefe
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

David L. Lakey
*Commissioner of the Texas Department
of State Health Services, in his official
capacity only*

represented by **David S. Morales**
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James B. Eccles
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James Carlton Todd
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert B. O'Keefe
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Barry Waller

Assistant Commissioner, Provider Services, in his official capacity only

represented by **David S. Morales**
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James B. Eccles
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Carlton Todd
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert B. O'Keefe
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Linda Hinshaw

Superintendent, Abilene State School, in her official capacity only

represented by **David S. Morales**
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James B. Eccles
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Carlton Todd
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert B. O'Keefe
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dave Ptomey

Acting Superintendent, Austin State School, in his official capacity only

represented by **David S. Morales**
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James B. Eccles
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Carlton Todd
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert B. O'Keefe
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Robert Ham
*Superintendent, Brenham State School, in
his official capacity only*

represented by **David S. Morales**
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James B. Eccles
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Carlton Todd
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert B. O'Keefe
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Iva Benson
*Superintendent, Corpus Christi State
School, in her official capacity only*

represented by **David S. Morales**
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James B. Eccles
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Carlton Todd
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert B. O'Keefe
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Nancy Condon
*Superintendent, Denton State School, in
her official capacity only*

represented by **David S. Morales**
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James B. Eccles
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

James Carlton Todd
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert B. O'Keefe
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Antonio Ochoa
*Superintendent, El Paso State Center, in
his official capacity only*

represented by **David S. Morales**
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James B. Eccles
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Carlton Todd
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert B. O'Keefe
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kristen Weems
*Acting Superintendent, Lubbock State
School, in her official capacity only*

represented by **David S. Morales**
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James B. Eccles
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Carlton Todd
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert B. O'Keefe
(See above for address)
TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Gale Wasson
*Superintendent, Lufkin State School, in
her official capacity only*

represented by **David S. Morales**
(See above for address)
TERMINATED: 10/11/2012

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James B. Eccles
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James Carlton Todd
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert B. O'Keefe
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

W. H. Lowry
*Superintendent, Mexia State School, in
his official capacity only*

represented by **David S. Morales**
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James B. Eccles
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James Carlton Todd
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert B. O'Keefe
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Adalberto Barrera
*Superintendent, Richmond State School,
in his official capacity only*

represented by **David S. Morales**
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James B. Eccles
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James Carlton Todd
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert B. O'Keefe
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Sonia Hernandez–Keeble
*Superintendent, Rio Grande State Center,
in her official capacity only*

represented by **David S. Morales**
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James B. Eccles
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James Carlton Todd
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert B. O'Keefe
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Philip Baugh
*Superintendent, San Angelo State School,
in his official capacity only*

represented by **David S. Morales**
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James B. Eccles
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James Carlton Todd
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert B. O'Keefe
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Ralph Henry
*Superintendent, San Antonio State
School, in his official capacity only*

represented by **David S. Morales**
(See above for address)
*TERMINATED: 10/11/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James B. Eccles
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

James Carlton Todd
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert B. O'Keefe

(See above for address)

TERMINATED: 10/11/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/26/2009	<u>1</u>	COMPLAINT (Filing fee \$ 350 waived), filed by United States Of America. (Attachments: # <u>1</u> Civil Cover Sheet)(tdk,) (Entered: 06/26/2009)
06/26/2009	<u>2</u>	SETTLEMENT AGREEMENT by Rick Perry, Adelaide Horn, David L. Lakey, Barry Waller, Linda Hinshaw, Dave Ptomey, Robert Ham, Iva Benson, United States Of America, Nancy Condon, Antonio Ochoa, Kristen Weems, Gale Wasson, W. H. Lowry, Adalberto Barrera, Sonia Hernandez-Keeble, Philip Baugh, Ralph Henry, State of Texas. (tdk,) (Entered: 06/26/2009)
06/26/2009	<u>3</u>	Joint MOTION That the Court Enter the Parties' Negotiated Settlement Agreement re <u>2</u> Settlement Agreement, by United States Of America, State of Texas. (Attachments: # <u>1</u> Proposed Order)(tdk,) (Entered: 06/26/2009)
06/29/2009	<u>4</u>	ORDER GRANTING <u>3</u> MOTION That the Court Enter the Parties' Negotiated Settlement Agreement re <u>2</u> Settlement Agreement, filed by State of Texas, United States Of America. Signed by Judge Sam Sparks. (jk,) (Entered: 06/29/2009)
09/14/2009	<u>5</u>	Joint MOTION for Extension of Time to File <i>Selection of Monitors</i> by Rick Perry, Adelaide Horn, David L. Lakey, Barry Waller, Linda Hinshaw, Dave Ptomey, Robert Ham, Iva Benson, United States Of America, Nancy Condon, Antonio Ochoa, Kristen Weems, Gale Wasson, W. H. Lowry, Adalberto Barrera, Sonia Hernandez-Keeble, Philip Baugh, Ralph Henry, State of Texas. (Todd, James) (Entered: 09/14/2009)
09/17/2009	<u>6</u>	ORDER GRANTING <u>5</u> Joint MOTION for Extension of Time to File <i>Selection of Monitors</i> filed by Robert Ham, Iva Benson, United States Of America, Barry Waller, Adelaide Horn, State of Texas, Gale Wasson, Kristen Weems, Linda Hinshaw, Dave Ptomey, Nancy Condon, Philip Baugh, Rick Perry, David L. Lakey, Sonia Hernandez-Keeble, Antonio Ochoa, Adalberto Barrera, Ralph Henry, W. H. Lowry. Signed by Judge Sam Sparks. (jk,) (Entered: 09/18/2009)
10/07/2009	<u>7</u>	NOTICE <i>Notice of Selection of Monitors</i> by United States Of America, <i>and all defendants</i> (Mazor, Marina) Modified on 10/8/2009 to add all defendants as joint filers of this document. (jk,). (Entered: 10/07/2009)
01/14/2010	<u>8</u>	MOTION to Extend Scheduling Order Deadlines <i>to Conduct Baseline Evaluations</i> by United States Of America, Rick Perry, Adelaide Horn, David L. Lakey, Barry Waller, Linda Hinshaw, Dave Ptomey, Robert Ham, Iva Benson, Nancy Condon, Antonio Ochoa, Kristen Weems, Gale Wasson, W. H. Lowry, Adalberto Barrera, Sonia Hernandez-Keeble, Philip Baugh, Ralph Henry, State of Texas. (Mazor, Marina) Modified on 1/15/2010 to add Rick Perry, Adelaide Horn, David L. Lakey, Barry Waller, Linda Hinshaw, Dave Ptomey, Robert Ham, Iva Benson, Nancy Condon, Antonio Ochoa, Kristen Weems, Gale Wasson, W. H. Lowry, Adalberto Barrera, Sonia Hernandez-Keeble, Philip Baugh, Ralph Henry, State of Texas as joint filers of this document. (jk,). (Entered: 01/14/2010)
01/25/2010	<u>9</u>	ORDER GRANTING <u>8</u> Motion to Extend Scheduling Order Deadlines <i>to Conduct Baseline Evaluations</i> . Signed by Judge Sam Sparks. (jk,) (Entered: 01/25/2010)
05/28/2010	<u>10</u>	Vacation Letter as to State of Texas. (jk,) (Entered: 05/28/2010)
09/14/2011	<u>11</u>	NOTICE <i>Vacation Letter</i> by Adalberto Barrera, Philip Baugh, Iva Benson, Nancy Condon, Robert Ham, Ralph Henry, Sonia Hernandez-Keeble, Linda Hinshaw, Adelaide Horn, David L. Lakey, W. H. Lowry, Antonio Ochoa, Rick Perry, Dave Ptomey, State of Texas, Barry Waller, Gale Wasson, Kristen Weems (Todd, James) (Entered: 09/14/2011)
09/20/2012	<u>12</u>	Unopposed MOTION <i>for Entry of Order Establishing a Mechanism for Monitor Legislative Contacts</i> by United States Of America. (Mazor, Marina) (Entered: 09/20/2012)

		09/20/2012)
10/03/2012	<u>13</u>	MOTION to Substitute Attorney by Rick Perry, Adelaide Horn, David L. Lakey, Barry Waller, Linda Hinshaw, Dave Ptomey, Robert Ham, Iva Benson, Nancy Condon, Antonio Ochoa, Kristen Weems, Gale Wasson, W. H. Lowry, Adalberto Barrera, Sonia Hernandez-Keeble, Philip Baugh, Ralph Henry, State of Texas. (Eccles, James) Modified on 10/3/2012 (jk). (Entered: 10/03/2012)
10/03/2012	<u>14</u>	DEFICIENCY NOTICE: re <u>13</u> MOTION to Substitute Attorney. (jk) (Entered: 10/03/2012)
10/04/2012	<u>15</u>	ATTACHMENT <i>Proposed Order</i> to <u>13</u> MOTION to Substitute Attorney by Adalberto Barrera, Philip Baugh, Iva Benson, Nancy Condon, Robert Ham, Ralph Henry, Sonia Hernandez-Keeble, Linda Hinshaw, Adelaide Horn, David L. Lakey, W. H. Lowry, Antonio Ochoa, Rick Perry, Dave Ptomey, State of Texas, Barry Waller, Gale Wasson, Kristen Weems. (Eccles, James) (Entered: 10/04/2012)
10/11/2012	<u>16</u>	ORDER GRANTING <u>12</u> Motion <i>for Entry of Order Establishing a Mechanism for Monitor Legislative Contacts</i> . Signed by Judge Sam Sparks. (jk) (Entered: 10/11/2012)
10/11/2012	<u>17</u>	ORDER GRANTING <u>13</u> Motion to Substitute Attorney. Attorney James "Beau" Eccles substituted for attorneys Robert B. O'Keefe and David Morales. Signed by Judge Sam Sparks. (jk) (Entered: 10/11/2012)
01/02/2013	<u>18</u>	Joint MOTION <i>for Schedule Adjustment</i> by United States Of America. (Mazor, Marina) (Entered: 01/02/2013)
01/07/2013	<u>19</u>	ORDER GRANTING <u>18</u> Joint Motion <i>for Schedule Adjustment</i> . Signed by Judge Sam Sparks. (jk) (Entered: 01/07/2013)
02/05/2014	<u>20</u>	NOTICE <i>Vacation Letter</i> by Adalberto Barrera, Philip Baugh, Iva Benson, Nancy Condon, Robert Ham, Ralph Henry, Sonia Hernandez-Keeble, Linda Hinshaw, Adelaide Horn, David L. Lakey, W. H. Lowry, Antonio Ochoa, Rick Perry, Dave Ptomey, State of Texas, Barry Waller, Gale Wasson, Kristen Weems (Todd, James) (Entered: 02/05/2014)
06/25/2014	<u>21</u>	NOTICE <i>Joint Filing of Four-Year Report and Notice Regarding Anticipated Proposed Changes in Settlement Agreement and Monitoring Structure</i> by United States Of America (Attachments: # <u>1</u> Appendix Monitors' Four-Year Report)(Mazor, Marina) (Entered: 06/25/2014)
07/09/2014	<u>22</u>	NOTICE <i>Vacation letter</i> by Adelaide Horn, David L. Lakey, Rick Perry, State of Texas (Todd, James) (Entered: 07/09/2014)
08/26/2014	<u>23</u>	Joint MOTION <i>for Postponement in, and Changes in Timing of, Monitoring Visits</i> by United States Of America. (Attachments: # <u>1</u> Proposed Order)(Mazor, Marina) (Entered: 08/26/2014)
08/27/2014	<u>24</u>	NOTICE of Filing Notice of Filing of Corrected Proposed Order by United States Of America (Attachments: # <u>1</u> Proposed Order Corrected proposed order for joint motion to postponement in, and changes in timing of, monitoring visits)(Mazor, Marina) (Entered: 08/27/2014)
09/02/2014	<u>25</u>	ORDER GRANTING <u>23</u> Joint Motion <i>for Postponement in, and Changes in Timing of, Monitoring Visits</i> . Signed by Judge Sam Sparks. (jk) (Entered: 09/02/2014)
01/14/2015	<u>26</u>	NOTICE OF AGREED-UPON MODIFICATIONS TO MONITORING FRAMEWORK by United States Of America (Tayloe, Benjamin) (Entered: 01/14/2015)