

**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

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.

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

Steven H. Alpert and Scott H. Ikeda, 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.

This order is issued in response to the October 16, 2013 request of the Court Monitor for an order that he have the responsibility to finalize the Department of Human Services Implementation Plan for the Settlement Agreement Evaluation Criteria and Cambridge Closure which was timely submitted by DHS on October 15, 2013, pursuant to the Order of August 27, 2013.¹ The parties do not object to this request.

IT IS HEREBY ORDERED:

1. The Court Monitor's request is **GRANTED**. He shall have the responsibility and authority to finalize the Department of Human Services Plan for the Settlement Agreement Evaluation Criteria and Cambridge Closure ("Plan") which was timely submitted by DHS on October 15, 2013 pursuant to the Order of August 27, 2013. The Court Monitor may utilize the assistance of one or more consultants.

2. The Court Monitor shall implement this order in cooperation with Deputy Commissioner Anne Barry, who shall ensure the availability of appropriate DHS staff and the provision of documents and other resources requested by the Court Monitor or his consultants. The Court Monitor has also committed to the participation in this process of

¹ The Court Monitor's letter-request explains, "The Plan is not yet acceptable, although it is much improved since the October 4 draft on which my consultants and I met with DHS from October 8 through 10. Rather than prepare a detailed analysis, I discussed with Deputy Commissioner Anne Barry the possibility of a cooperative effort" to finalize a plan for the Court's approval.

Plaintiff Class Counsel, and the consultants to the parties, Ms. Roberta Opheim and
Dr. Colleen Wieck.

Dated: October 17, 2013

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