

**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/BRT)

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 the State of Minnesota,

Defendants.

This matter is before the Court upon Plaintiffs' and Defendant Minnesota
Department of Human Services' ("Department") joint motion for approval of negotiated
attorneys' fees for Class Counsel during the course of the implementation period

following approval of the Stipulated Class Action Settlement (Doc. No. 136-1), including but not limited to the attorneys' fees sought by Plaintiffs in Plaintiffs' Motion for Sanctions (Doc. No. 230), which was left unresolved in the Court's December 17, 2013 and September 3, 2014 Orders (Doc. Nos. 259 and 340), and not including attorneys' fees addressed by this Court's April 8, 2013 Order (Doc. No. 209). The Court, having considered the joint motion, and based upon the Court's jurisdiction over the parties, counsel and the Settlement Class, as well as the Court's own knowledge of the complexities of implementing the Settlement Agreement,

IT IS HEREBY ORDERED that:

1. The Joint Motion for Negotiated Attorneys' Fees to Class Counsel (Doc. No. [525]) is hereby **GRANTED**.
2. This Motion resolves the claims for attorneys' fees, costs, and disbursements made and incurred by Plaintiffs, on behalf of the Settlement Class, and represents the full and final settlement of attorneys' fees, costs, and disbursements related to issues of concern and non-compliance raised by Plaintiffs, on behalf of the Settlement Class, with regard to the Settlement Agreement through final disposition of the Settlement Agreement or the above-captioned matter, whichever comes later, except for requests or claims for reimbursement of attorneys' fees, costs, and disbursements incurred from the date of this Order due to proven intentional and willful misconduct which constitutes substantial non-compliance with the Settlement Agreement after the date of this Order.

3. Plaintiffs and the Settlement Class are not permitted to make any further request or claim for reimbursement of attorneys' fees, costs, and disbursements, through the final disposition of the Settlement Agreement or the above-captioned matter, whichever comes later, except for requests or claims for reimbursement of attorneys' fees, costs, and disbursements incurred from the date of this Order due to proven intentional and willful conduct which constitutes substantial non-compliance with the Settlement Agreement after the date of this Order.

4. The notice requirements of Rule 23(h) of the Federal Rules of Civil procedure are not necessary and would be unduly burdensome in these circumstances where the negotiated attorneys' fees are sought in connection with post-settlement activities relating to non-monetary provisions of the Settlement Agreement and do not have any effect on the amounts awarded to Class Members by the Court.

5. Within ten (10) days of the date of this Order, the Department shall pay Fifty Thousand Dollars (\$50,000) to the law firm of O'Meara, Leer, Wagner & Kohl, P.A. as Settlement Class Counsel in this matter.

Dated: November 20, 2015

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