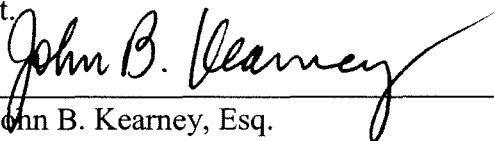


PLEASE TAKE NOTICE, that on April 19, 2010, at 9:00 a.m. in the morning, or as soon thereafter as counsel may be heard, Plaintiffs, Disability Rights New Jersey, Inc., Allison Harmon, by and through her guardians, Valerie Harmon and Linda Lemore, and Fredrena Thompson, through their undersigned counsel, shall move before the United States District Court for the District of New Jersey, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Room 2020, Trenton, NJ 08608, for an order granting Summary Judgment for Plaintiffs.

PLEASE TAKE FURTHER NOTICE, that in support of said motion, Plaintiffs shall rely on the attached Brief in Support of Plaintiffs' Motion for Summary Judgment, Statement of Undisputed Material Facts, Certification of Counsel and the exhibits attached thereto.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order accompanies this Motion.

Plaintiffs request oral argument.



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And

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Attorneys for Plaintiffs

DATED: March 25, 2010

guardians, Valerie Harmon and Linda Lemore, and Fredrena Thompson; and Plaintiffs having moved for summary judgment on those certain claims referenced in its moving papers; and the Court having considered the arguments in favor of granting Plaintiffs' motion, as well as any arguments in opposition thereto, and the Court having heard oral argument, and for good cause shown:

IT IS HEREBY ORDERED on this _____ day of _____, 2010 that Plaintiffs' Motion for Summary Judgment is granted and judgment is entered in favor of Plaintiffs and against Defendant Jennifer Velez, in her official capacity as Commissioner of the Department of Human Services for the State of New Jersey and against Defendant State of New Jersey; and it is

FURTHER ORDERED that Defendants shall place a minimum of 350 individuals currently residing in developmental centers into the community each year with the appropriate supports and services they need until every such individual residing in a developmental center who does not oppose residing in the community and whose treatment providers recommend a community placement is placed in the community even if said individual's family member or guardian opposes community placement for the individual; and it is

FURTHER ORDERED that Defendant Jennifer Velez, or her successor, shall not admit any individual to a developmental center unless and until that individual has had the following system of procedural due process protections prior to the institutionalization of said individual to a state-run developmental center: Such protections shall include, at a minimum, notice and the right to a civil commitment hearing before an impartial decision maker who is not an employee of the executive branch of state government and whose decision cannot be reversed

or overruled by Commissioner Velez or her successor or designee; said individual shall have the assistance of competent counsel at a civil commitment hearing who will advocate for the individual's expressed preference and not the expressed preference of the individual's family member[s] or guardian[s]; and that at the hearing and prior to institutionalization Defendants or any person seeking to have an individual admitted or confined to a developmental center shall have to establish by clear and convincing evidence that the support needs of the individual in question cannot be provided for in the community (by "cannot be provided for in the community" the court does not mean not currently available in the community; i.e., if the service and support needs could be provided in the community but are not currently available in the community the individual cannot be admitted to one of the State's developmental centers); and it is

FURTHER ORDERED that any individual who seeks a voluntary admission to a state developmental center shall have a hearing as described above to determine if the individual's choice to be admitted to a developmental center truly is voluntary; and it is

FURTHER ORDERED that any individual who is committed or admitted to a developmental center shall have at least on an annual basis a review hearing with all of the due process protections as stated above for said individual's initial civil commitment hearing including the right to a community placement within sixty days of the hearing if said individual is found to be suitable for community placement, and so desires; and it is

FURTHER ORDERED for all such individuals who are currently residents of one of the State's developmental centers they shall receive a review hearing with all of the due process protections and standards described above for an initial civil commitment hearing by January 1, 2013; and it is

FURTHER ORDERED that Defendant Jennifer Velez shall find and place the plaintiff Allison Harmon in a suitable community placement with appropriate supports and services within sixty days of this signed Order; and it is

FURTHER ORDERED that Defendants shall pay to Plaintiffs an amount equal to Plaintiffs' attorneys' fees, interest and costs incurred in the prosecution of this litigation, and that Plaintiffs shall submit an application for the recovery of said attorneys' fees, interest and costs incurred; and it is

FURTHER ORDERED that a copy of this Order shall be served on all counsel of record within ___ days of the date hereof.

IT IS SO ORDERED,

Honorable Anne E. Thompson, U.S.D.J.