

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

A.B., by and through her next friend
Cassie Cordell Trueblood, *et al.*

Plaintiffs,

v.

Washington State Department of
Social and Health Services, *et al.*,

Defendants.

No. 14-cv-01178-MJP

STIPULATION AND ORDER
APPOINTING DR. DANNA MAUCH
AS COURT MONITOR

I. STIPULATION

Pursuant to the order in the Findings of Fact and Conclusions of Law (Dkt. 131), the parties jointly recommend that this Court appoint Dr. Danna Mauch as the Court Monitor.

Dr. Danna Mauch is an appropriately qualified expert in the above-captioned case given her extensive experience in public mental health systems ranging from being a consultant to advance public policy and promote service delivery and financing reforms; serving as an expert consultant with the United States Department of Justice as well as a Special Master to the United States District Court for the District of Columbia; to managing two different state mental health

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1 programs where she was responsible for operations management, planning, budget, program
2 standards, and monitoring of the development of the service delivery systems. Dr. Mauch's
3 curriculum vitae is attached as Exhibit 1 to this Joint Recommendation. Dr. Mauch was also
4 Plaintiffs' expert in the above-captioned action and is familiar with the issues in this case. Dr.
5 Mauch is eager and willing to work with the State to monitor its progress towards implementing
6 the Court's injunction.

7 DATED this 16th day of April, 2015.

8 Respectfully submitted,

9 ACLU OF WASHINGTON FOUNDATION

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II. ORDER

Pursuant to Joint Recommendation for Monitor submitted by the parties on April 16, 2015, IT IS HEREBY ORDERED that:

1. There shall be a Monitor appointed by the Court to ensure timely and meaningful compliance and implementation of this Court’s Findings of Fact and Conclusions of Law entered on April 2, 2015. The Monitor will be an agent of the Court, and shall be subject to its orders.

2. Dr. Danna Mauch is appointed as the Monitor and shall serve for as long as necessary for Defendants to achieve compliance with all of the Court’s outstanding orders and plans in this case.

3. The Monitor shall not be employed or otherwise retained by any of the parties in any capacity except as provided for in this Order.

4. The Monitor shall commence her duties immediately but no later than May 5, 2015, when the Defendants’ first report to the Monitor is due.

5. The Monitor shall not be subject to dismissal except for good cause. Any party may petition the Court for dismissal or replacement of the Monitor upon thirty days’ notice to the Court and opposing counsel.

6. Upon the Monitor’s resignation, disability, or termination for cause the parties shall consult one another in an effort to reach agreement about the replacement of the Monitor.

7. If the parties are unable to reach agreement on a person to be appointed Monitor, they shall each submit a list of two nominees to the Court, along with supporting curriculum vitae. These lists shall be supplied within twenty-one days of the date the Court notifies the parties of the need for a successor Monitor. Each party shall then have fourteen days to

1 comment on the list of candidates nominated by the opposing party. The Court will then appoint
2 a Monitor from the lists of nominees presented.

3 8. Consistent with the terms of this Court's Findings of Fact and Conclusions of
4 Law, the Defendants shall pay the Monitor at the hourly rate of \$250, and shall reimburse her for
5 reasonable and necessary expenses incurred in the discharge of her duties and responsibilities
6 under this Court's Findings of Fact and Conclusions of Law.

7 9. Consistent with the terms of this Court's Findings of Fact and Conclusions of
8 Law, monitoring expenses may include, but are not limited to, fees and expenses of expert
9 consultants, travel expenses, transcriptions, telecopies and photocopy fees, and office and
10 clerical expenses.

11 10. The Defendants shall ensure timely payment of the fees and expenses of the
12 Monitor.

13 11. The Monitor shall keep financial records according to generally accepted
14 accounting principles. These records shall be open for inspection by the Court or the parties at
15 any reasonable time. The Monitor shall submit to the Court and the parties monthly financial
16 reports (including hours spent, work performed, and related expenses).

17 12. In addition to the information that Defendants are required to provide to the
18 Monitor under this Court's Findings of Fact and Conclusions of Law, Defendants shall provide
19 to the Monitor any other information that the Monitor informs Defendants is necessary for her to
20 fully review Defendants' actions and advise the Court. The Monitor shall not disclose any
21 confidential information except in accordance with applicable law.

22 13. The Monitor shall review all reports that the Defendants are required to prepare
23 under this Court's Findings of Fact and Conclusions of Law. Within thirty days of every third

1 monthly report from Defendants, the Monitor shall file a quarterly public report with the Court
2 which shall include: (1) a summary of Defendants' actions during the preceding period; (2) the
3 Monitor's opinion as to the sufficiency of Defendants' progress; (3) the Monitor's
4 recommendations for actions to remedy any lack of progress or performance by Defendants; and
5 (4) the Monitor's recommendation on when, and under what circumstances, the Monitor's
6 services are no longer needed or should be modified. Defendants' monthly reports shall be
7 attached as appendices to the Monitor's quarterly public report.

8 14. Upon submission of Defendants' long-term plan for continued compliance with
9 this order as demand for competency services continues to grow, the Monitor shall provide the
10 Court with an opinion about the sufficiency of the plan and make recommendations for
11 remedying any deficiencies in the plan.

12 15. Compliance by the Monitor with the terms of this Order shall not constitute a
13 waiver or abandonment of any right to confidentiality or right to nondisclosure embodied in
14 statute or case law, including, but not limited to, executive privilege.

15 16. All authority to require remedial activities remains with the Court, although the
16 Monitor may make such recommendations as she deems necessary to facilitate compliance or
17 remedy noncompliance.

18 It is now therefore,

19 ORDERED that Joint Recommendation for Monitor is GRANTED.

20 Dated this 23rd day of April, 2015.

21 

22 Marsha J. Pechman
23 Chief United States District Judge

1
2 Presented by:

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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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- Nicholas A Williamson (NicholasW1@atg.wa.gov)
- Sarah Jane Coats (sarahc@atg.wa.gov)
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DATED: April 16, 2015, at Seattle, Washington

/s La Rond Baker/

 La Rond Baker

Attorney for Plaintiffs