

Emily Cooper OSB #182254
ecooper@droregon.org
Thomas Stenson OSB #152894
tstenson@droregon.org
Disability Rights Oregon
511 SW 10th Avenue, Suite 200
Portland, Oregon 97205
(503) 243-2081
Counsel for Plaintiff, Disability Rights Oregon

Jesse Merrithew OSB #074564
jesse@lmhlegal.com
Levi Merrithew Horst PC
610 SW Alder Street, Suite 415
Portland, Oregon 97205
(971) 229-1241
Counsel for Plaintiff, Metropolitan Public Defender

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES INC., and A.J. MADISON,

Plaintiffs,

vs.

DAVID BADEN, in his official capacity as
head of the Oregon Health Authority, and
DOLORES MATTEUCCI, in her official
capacity as Superintendent of the Oregon
State Hospital,

Defendants,

and

JAROD BOWMAN, JOSHAWN
DOUGLAS-SIMPSON,

Plaintiffs,

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)

UNOPPOSED MOTION FOR TO EXTEND
REMEDIAL ORDER

DOLORES MATTEUCCI, Superintendent of the Oregon State Hospital, in her individual and official capacity, DAVID BADEN, Director of the Oregon Health Authority, in his official capacity, and PATRICK ALLEN in his individual capacity,

Defendants,

Case No. 3:21-cv-01637-MO (Member Case)

LR 7-1 Certification

Undersigned counsel for the Plaintiffs hereby certifies that Plaintiffs have conferred with counsel for Defendants prior to bringing this motion. Counsel for Defendants does not oppose this motion. Counsel for Plaintiffs also contacted counsel for all amici to let them know that he would be filing this motion. Counsel for Marion County indicated that they may want to file a response and indicated they could do so by January 22, 2024.

Motion

Plaintiffs hereby move this Court for an order extending the current remedial order (Dkt. No. 416) for a period of one year. That order expires on December 31, 2023 “unless renewed by the Court prior to that time.” *Id.* at 8. Plaintiffs request that the Court renew the order immediately and consider any opposition by amici to the extension in due time.

Memorandum

This Court’s remedial order is working as intended. It has significantly reduced wait times and allowed the Defendants to return to compliance with the permanent injunction for the first time in several years. However, as explained in Dr. Pinal’s Eighth Report to this Court, that compliance remains tenuous. If the Court were to lift the remedial order, the Defendants would almost immediately fall back out of compliance. Therefore, the order remains necessary to

ensure compliance with this Court's permanent injunction, and this Court remains empowered to extend it. *Stone v. City & County of San Francisco*, 968 F.2d 850, 856 (9th Cir. 1992).

This Court should extend the order for one year for the reasons stated in Dr. Pinal's report.

DATED this 20th day of December, 2023.

LEVI MERRITHEW HORST PC

/s/ Jesse Merrithew
Jesse Merrithew OSB # 074564
jesse@lmhlegal.com
610 SW Alder Street, Suite 415
Portland, Oregon 97205
Telephone: (971) 229-1241
Facsimile: (971) 544-7092
*Counsel for Plaintiffs Metropolitan Public
Defender, Jarrod Bowman, and Joshawn
Douglas-Simpson*

DISABILITY RIGHTS OREGON

/s/ Emily Cooper
Emily Cooper OSB # 182254
ecooper@droregon.org
Thomas Stenson, OSB # 152894
tstenson@droregon.org
511 SW 10th, Suite 200
Portland OR 97205
Telephone: (503) 243 2081
Facsimile: (503) 243 1738
*Counsel for Plaintiff Disability Rights
Oregon*