

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

CONSUMER ADVISORY BOARD, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket no. 91-CV-321-P-S
	)	
BRENDA HARVEY, et al.,	)	
	)	
	)	
Defendants.	)	

**AMENDED PROCEDURAL ORDER**

On October 7, 2008, the Court held a conference of counsel in order to discuss the status of the case with counsel and Special Master Clarence Sundram. Following the conference of counsel, the Court issued its October 14, 2008 Procedural Order (Docket # 318). On November 7, 2008, the parties filed the pending Joint Motion to Clarify and/or Modify Procedural Order (Docket # 319). Absent any objection, the Joint Motion is hereby GRANTED and the Court sets out the following amended schedule:

**A. Outstanding Certifications**

**1. Quality Assurance/Quality Improvement Certification**

The Court's understanding is that this certification was submitted on October 22, 2008. Based on that submission date, the Court sets the following deadlines:

**Plaintiffs' Objections.** Plaintiffs shall submit any objections to the certification within 75 days of their receipt of the certification and no later than **January 5, 2009**.

**Defendants' Response.** Defendants shall submit any response to the objections within 14 days of receipt of Plaintiffs' objections and no later than **January 19, 2009**.

**Plaintiffs' Reply.** If the Response includes any new evidence, Plaintiffs shall submit any reply within 10 days of receipt of the Response and no later than **January 29, 2009**.

**Master's Findings.** Within 30 days following the Plaintiffs' reply and no later than **March 2, 2009**, the Special Master shall prepare a Report to the Court with

proposed findings of fact, conclusions and recommendations for further action by Defendants in any areas of noncompliance.

**Objections.** Either party may file objections to the draft Report within 14 days of receipt of the Report and no later than **March 16, 2009**.

**Final submission to the Court shall occur on or before April 15, 2009.**

## **2. Community Integration Certification**

The Court's understanding is that Defendants submitted this certification with all supporting documentation on or before November 14, 2008. Based on that submission date, the Court sets the following deadlines:

**Plaintiffs' Objections.** Plaintiffs shall submit any objections to the certification within 75 days of their receipt of the certification and no later than **January 28, 2009**.

**Defendants' Response.** Defendants shall submit any response to the objections within 14 days of receipt of Plaintiffs' objections and no later than **February 11, 2009**.

**Plaintiffs' Reply.** If the Response includes new evidence, Plaintiffs shall submit any reply within 10 days of receipt of the Response and no later than **February 23, 2009**.

**Master's Findings.** Within 30 days following the Plaintiffs' reply and no later than **March 25, 2009**, the Special Master shall prepare a Report to the Court with proposed findings of fact, conclusions and recommendations for further action by Defendants in any areas of noncompliance.

**Objections.** Either party may file objections to the draft Report within 14 days of receipt of the Report and no later than **April 8, 2009**. Any objections shall be processed in accordance with the Order of Reference.

**Final submission to the Court shall occur on or before May 8, 2009.**

## **B. Outstanding Plans of Correction**

**1. Budget & Professional Services.** Defendants submitted any responses to Plaintiffs' comments on the Budget and Professional Services plans of correction on or before **November 11, 2008**. If the responses include or refer to any new evidence, Plaintiffs shall have 10 days to reply (**November 21, 2008**). The Special Master shall submit a Report to the Court within 14 days of the final submission and no later than **December 12, 2008**.

2. **APS.** Plaintiffs submitted their comments on or before **November 4, 2008**, and Defendants submitted any response on or before **November 14, 2008**. If the responses include or refer to any new evidence, Plaintiffs shall have 10 days to reply (**November 24, 2008**). The Special Master shall submit a Report to the Court within 14 days of the final submission and no later than **December 15, 2008**.
3. **PCP.** Defendants are submitting their plan of correction regarding paragraphs (c) and (d) of the PCP Certification on or before **November 19, 2008**; Plaintiffs shall submit comments on the plan within 14 days (**December 3, 2008**); and Defendants shall submit any response to Plaintiffs' comments within 10 days (**December 15, 2008**). If the responses include or refer to any new evidence, Plaintiffs shall have 10 days to reply (**December 24, 2008**). The Special Master shall submit a Report to the Court within 14 days of the final submission and no later than **January 14, 2009**.
4. **ISC.** Plaintiffs submitted their comments on or before **November 14, 2008**, and Defendants shall submit any response within 10 days (**November 24, 2008**). If the responses include or refer to any new evidence, Plaintiffs shall have 10 days to reply (**December 4, 2008**). The Special Master shall submit a Report to the Court within 14 days of the final submission and no later than **December 29, 2008**.

**C. Requests for Extension & Status Reports**

Any requests for extensions of the deadlines laid out above must be filed with the Special Master at least 7 days before the deadline for which an extension is being requested. The Special Master shall retain all authority to adjust the above deadlines provided the extensions do not extend the deadline for the final submission to the Court. To the extent that any request for extension ultimately seeks an extension of the respective deadline for final submission to the Court, that request for extension shall be directed to the Court. Any such request shall explain the reason the extension is needed, whether the other side consents to the extension and also indicate the position of the Special Master as to the requested extension.

Beginning on **December 1, 2008**, counsel shall file joint monthly status reports.

**D. Next Status Conference**

As requested in the Joint Motion, the Court will set this matter for a conference of counsel after it has received all of the final submissions as indicated in this Order. Based on the deadlines contained in this Order, the Court anticipates being able to hold a status conference in May 2009. In its order setting the date and time for this conference, the Court will set deadlines for pre-conference submissions, including a status report from the Special Master and proposed orders or injunctions that terminate the Consent Decree and/or should be entered upon the Court's termination of the Consent Decree.

SO ORDERED.

/s/ George Z. Singal  
Chief U.S. District Judge

Dated this 19th day of November, 2008.

**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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V.

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**Defendant**

**DESHAIES, ROGER**  
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**Defendant**

**HARTLEY, DONALD**  
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**Defendant**

**MAINE DEPARTMENT OF  
HEALTH AND HUMAN  
SERVICES COMMISSIONER**

**Notice Only Party**

**CLARENCE J SUNDRAM**  
*AUDITOR*

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