

**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.	)	

**SECOND AMENDED PROCEDURAL ORDER**

The Joint Monthly Status Report of the Parties (Docket # 330) included a Joint Request for Extension of Deadlines (Docket # 331). Absent any objection, the Joint Request for Extension is hereby GRANTED IN PART. While the Court herein adopts the extensions requested by the parties, it has also made the necessary adjustments to other deadlines for final submissions to the Court and set a firm conference of counsel date. The Court anticipates granting no further extensions of the below deadlines absent extraordinary and unforeseen circumstances.

**A. Outstanding Certifications**

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

The Court's understanding is that this certification was submitted on October 22, 2008.

**Plaintiffs' Objections.** Plaintiffs submitted any objections to the certification no later than **January 5, 2009**.

**Defendants' Response.** Defendants submitted their response on **January 23, 2009** with exhibits submitted on **January 29, 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 **February 9, 2009**.

**Master's Findings.** Within 30 days following the Plaintiffs' reply and no later than **March 11, 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 25, 2009**.

**Final submission to the Court shall occur on or before April 24, 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.

**Plaintiffs' Objections.** Plaintiffs submitted any objections to the certification no later than **January 28, 2009**.

**Defendants' Response.** Defendants shall submit any response to the objections no later than **February 27, 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 **March 9, 2009**.

**Master's Findings.** Within 30 days following the Plaintiffs' reply and no later than **April 8, 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 22, 2009**. Any objections shall be processed in accordance with the Order of Reference.

**Final submission to the Court shall occur on or before May 22, 2009.**

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

- 1. Budget.** The Special Master submitted a Report to the Court on **December 18, 2008**. The latest Joint Status Report reports that the parties discussed budget issues at their latest meeting with the Special Master on January 14, 2008. To the extent that issues remain outstanding in the budget area, the Court expects the parties will continue to provide updates in their monthly status reports.
- 2. Professional Services.** The Special Master submitted a Report to the Court approving the Plan of Correction on **December 5, 2008**.
- 3. APS.** The Special Master submitted a Report to the Court approving the Plan of Correction on **December 5, 2008**.
- 4. PCP.** The Special Master submitted a Report to the Court approving the Plan of Correction on **January 15, 2009**.
- 5. ISC.** According to the January Status Report, the Defendants submitted an ISC Report to the Special Master on December 18, 2008. Plaintiffs were to file a response no later than January 7, 2009. The February Status Report indicates that this issue was discussed at the January 14, 2009 meeting with the Special Master and that the parties were directed to “finalize a plan for the accurate determination of the ISC ratio.” (Feb. 2, 2009 Status Report (Docket # 330) at 3.)

The previously set **December 29, 2008** deadline for a Report to the Court has passed without the Court receiving any report or request for an extension. The Court expects that the parties will continue to update the Court on their progress in this area in each monthly status report. Absent a request for an extension, the Special Master shall submit his Report on the ISC Plan of Correction no later than **April 17, 2009**.

## **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. The Court will only grant further extensions based on a finding of extraordinary and unforeseen circumstances.

Counsel shall continue to file joint monthly status reports.

**D. Next Status Conference**

In order to allow for planning by Counsel and the Special Master, the Court now sets the next conference in this matter for: **June 3, 2009 at 2:30 PM**. The Court anticipates that all parties will come to this conference prepared to discuss a plan for termination of the consent decree.

In preparation for this conference, the Court requests that the Special Master provide the Court with a status report on or before **June 1, 2009**.

The parties are directed to file any status updates or proposed orders or injunctions that either terminate the Consent Decree or should be entered upon the Court's termination of the Consent Decree, no later than **May 29, 2009**.

SO ORDERED.

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

Dated this 4th day of February, 2009.

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**Plaintiff**

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**Plaintiff**

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**Defendant**

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**Defendant**

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