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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

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

Plaintiffs,

v.

PATRICK ALLEN, 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.

JARROD BOWMAN, JOSHAWN
DOUGLAS-SIMPSON

Plaintiffs,

v.

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

Defendants.

ORDER CONSOLIDATING CASES
AND APPOINTING A NEUTRAL
EXPERT

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

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

This matter comes before me on the parties' Stipulated Motion to Appoint Neutral Expert. [ECF 238] (No. 3:02-cv-00339-MO); [ECF 18] (3:21-cv-01637-HZ). I GRANT the parties stipulated motion. Accordingly, consistent with the parties' stipulation and agreement:

1. I consolidate the above-captioned *Mink* (3:02-cv-00339-MO) and *Bowman* (3:21-cv-01637-HZ) cases. *Mink* is designated as the lead case. Any future filings or other docket activities related to either case must appear in the *Mink* CM/ECF docket.
2. I hereby appoint Dr. Debra Pinals as a neutral expert in this matter, to make recommendations to address capacity issues at the Oregon State Hospital.
3. If Dr. Pinals becomes unavailable, the parties shall agree upon another neutral expert to serve in the same role.
4. I direct the Oregon Health Authority to enter into a contract with Dr. Pinals and provide for her payment for the work involved.
5. Defendants will provide Dr. Pinals with monthly reports throughout her engagement. Defendants first report is due January 3, 2022, and must include a summary of their recent actions to achieve compliance, actions planned to achieve compliance, and barriers to completing those actions.
6. In addition to the information that Defendants are required to provide to Dr. Pinals under this order, Defendants shall provide to Dr. Pinals any other information that Dr. Pinals informs Defendants is necessary for her to fully review Defendants' actions and advise the Court.
7. Dr. Pinals shall not be employed or otherwise retained by any of the parties in any capacity except as provided for in this Order.
8. Dr. Pinals shall review the monthly reports that the Defendants are required to prepare under this Court's order. Dr. Pinals's first report and recommendation is due to the Court by January 31, 2022. That report shall include suggested admissions protocol that addresses the admission of patients found unable to aid and assist in their own defense under

ORS 161.370 (.370 patients) as well as patients found to be Guilty Except for Insanity (GEI patients).

9. Dr. Pinals's second report is due to this Court by April 29, 2022, and shall include a short report and recommendations for a proposed long-term compliance plan for OSH.

DATED: 12/21/2021

Michael W. Mosman
HONORABLE MICHAEL W. MOSMAN
U. S. District Court Judge

Submitted by: Carla A. Scott
Senior Assistant Attorney General
Attorneys for Defendants