

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

**OREGON ADVOCACY CENTER;
METROPOLITAN PUBLIC
DEFENDERS INCORPORATED; and A.J.
MADISON,**

Plaintiffs,

v.

BOBBY MINK, Director of the Department of Human Services, in his official capacity; **STANLEY MAZUR-HART**, Superintendent of Oregon State Hospital, in his official capacity; **PATRICK ALLEN**, Director of the Department of Human Services, in his official capacity; and, **DOLORES MATTEUCCI**, Superintendent of the Oregon State Hospital, in her official capacity,

Defendants.

Case No. 3:02-cv-00339-MO

ORDER OF MODIFICATION
TO INJUNCTION

MOSMAN, J.,

This matter comes before me on Defendants' Motion for Modification to Injunction [ECF 151]. I held an oral argument on May 6, 2020, after which I ordered Defendants to produce a supplemental report that provided additional information in seven areas. Min. of Proceedings

[ECF 161]. Defendants submitted the report [ECF 162] on May 11, 2020, and I held a second hearing on May 12, 2020, at which I granted the motion. Min. of Proceedings [ECF 166]. The modification I am ordering is subject to multiple constraints. Defendants must comply with the following parameters until such time that they are again in compliance with the injunction [ECF 51]. Defendants must:

1. Submit a progress report to the court and to Plaintiffs every **three weeks** from the date of my ruling. The reports must contain an update on Defendants' progress toward eliminating the backlog of patients awaiting "aid and assist" restoration at Oregon State Hospital (OSH), the number of patients who have been admitted since the date of my ruling, the county of origin and wait time for each patient admitted, the average wait time for all patients admitted, the number of patients remaining in the backlog, and any other information relevant to Defendants' ability to achieve compliance. The first progress report is due **June 2, 2020**.
2. Test and quarantine all incoming patients to OSH, as described in Defendants' Supplemental Brief [162]. The testing and quarantine period for incoming cohorts should not exceed **14 days**—i.e., every 14 days, a cohort should be tested, quarantined, and admitted to the general population, and a new cohort should be admitted for testing and quarantine.
3. Appear at periodic status conferences. The first status conference is scheduled for **August 3, 2020**, at 10:30 a.m. That status conference may be held sooner at the court's discretion.
4. Inform the court if and when Defendants eliminate the backlog of "aid and assist" patients and achieve compliance with the injunction—i.e., a lag time of no more than **7 days** between the date that a criminal defendant is determined to be unable to aid and assist in his defense and the date at which he is admitted to OSH for restoration. J. [51] at 2.

IT IS SO ORDERED.

DATED this 13 day of May, 2020.

Michael W. Mosman
 MICHAEL W. MOSMAN
 United States District Judge