



U.S. Department of Justice

Civil Rights Division

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October 16, 2009

VIA ECF

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: DAI v. Patterson, et al.
Civil Action No. CV-03-3209 (NGG)(MDD)

Dear Judge Garaufis:

This letter is respectfully submitted to confirm that Your Honor has scheduled a pre-motion conference on the United States' proposed motion to intervene in this action for Thursday, October 22 at 2:30 p.m., and, as the Court has requested, to briefly set forth the basis for the United States' motion.

The United States seeks to intervene pursuant to Fed. R. Civ. Proc. 24 at the remedy stage of this case, and for any appeal that might arise, in order to ensure that the broader public interest is represented in this litigation. The United States has primary regulatory and enforcement authority under Title II of the ADA, and therefore has a strong interest in ensuring the proper and consistent application of its ADA regulations. Moreover, the United States seeks to intervene because of the significance and scope of the proposed remedy, which will help transform the lives of individuals with mental illness whom the Court found to be living in segregated communities, a great concern for the United States. Indeed, in June of this year, the President proclaimed the Administration's commitment to enforcing the Olmstead decision and its goals of community integration, coining it the "Year of Community Living." Further, the remedy in this case may serve as a model for other courts in similar cases, and the United States, representing the broad national interest, has a substantial interest in helping to craft this remedy. The United States seeks no extensions of the briefing schedule for remedies and will rely on the record developed at trial and the Court's orders.

Plaintiff supports our intervention. We have requested the Defendant's consent and Defendant is considering our request.

Respectfully Submitted,

_____/s/_____
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cc: All counsel (By ECF)