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Attorneys for Defendants

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.

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

JOINT STIPULATION TO APPOINTMENT  
OF A NEUTRAL EXPERT

**MOTION**

Plaintiff Disability Rights Oregon (DRO), Plaintiff Metropolitan Public Defender (MPD), and Defendants Patrick Allen and Dolores Matteucci, jointly petition this Court for an order consolidating two related cases (*Mink* (3:02-cv-00339-MO) and *Bowman* (3:21-cv-01637-HZ)) and appointing Dr. Debra Pinals as a neutral expert in both matters, to make

recommendations to address capacity issues at the Oregon State Hospital. *See* Attached Exhibit A (the “Interim Agreement” executed by the parties on December 10, 2021). The parties stipulate that the complaint in the *Bowman* case will be amended to add MPD as an organizational plaintiff seeking injunctive relief only. Plaintiff’s amended complaint in the *Bowman* case is due by December 24, 2021.

Dr. Pinals is the Medical Director of Behavioral Health and Forensic Programs for the Michigan Department of Health and Human Services and is the Director of the Program in Psychiatry, Law, & Ethics and Clinical Professor of Psychiatry at the University of Michigan Medical School, and Clinical Adjunct Professor at University of Michigan Law School. She is Board Certified in Psychiatry and Forensic Psychiatry, and is a Diplomate of the American Board of Addiction Medicine. She has a research background in the legal regulation of psychiatric practice, law and psychiatry, justice and behavioral health, public mental health services, specialty courts, and jail diversion, among other relevant areas of interest.

The parties have agreed that the Oregon Health Authority will enter into a contract with Dr. Pinals and will provide for her payment for the work involved. The parties have also agreed that Defendants will share all necessary information to Dr. Pinals including monthly reports to the parties and neutral expert regarding their recent compliance efforts and barriers to completing the compliance action(s).

The parties request that this Court set a deadline of January 31, 2022, for Dr. Pinals to file an initial report and recommendation with the Court to address a plan for OSH to achieve compliance with this Court’s injunctions in the short term, as well as an 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).

The parties also ask this Court to set a deadline of April 29, 2022, for Dr. Pinals to file a report and recommendation for a proposed long-term compliance plan for OSH to maintain compliance with the Courts' orders.

The parties have agreed to meet and confer after receiving each of Dr. Pinals's reports, to determine whether they can reach agreement on the steps recommended. They have also agreed on steps in the event that they do not reach immediate agreement. If they agree on the necessary steps to ensure compliance, Defendants will follow her recommendations and report their progress in the next monthly report.

DATED December 17, 2021.

Respectfully submitted,

ELLEN F. ROSENBLUM

Attorney General

s/ Emily R. Cooper

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