

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DISABILITY RIGHTS WASHINGTON,

Plaintiff,

vs.

PENRITH FARMS, JAMES BREWSTER  
and SHERRY BREWSTER, and STEVEN A.  
CARRERAS.

Defendants.

NO. CV-09-024-JLQ

**ORDER GRANTING MOTIONS  
FOR SUMMARY JUDGMENT**

**BEFORE THE COURT** are the Plaintiff's (Ct. Rec. 55) and Defendants' (Ct. Rec. 61) Motions for Summary Judgment. A telephonic hearing took place on Friday, September 25, 2009. David Carlson, Zachary Burr, and Allison Miller appeared on behalf of the Plaintiff. Matthew Sanger appeared on behalf of the Defendants. This Order is intended to memorialize and supplement the oral rulings of the court.

The court finds that the Defendants have served and may currently serve people with mental illness and disabilities as defined by the Protection and Advocacy Acts. The court also finds that Disability Rights Washington had and has authority to investigate when it receives complaints of abuse or neglect, as well as instances where it has probable cause to believe abuse or neglect of people with mental illness or disabilities is occurring, as provided by the Developmental Disabilities Assistance and Bill of Rights Act, 42 USC 15043(a)(2)(B); the Protection and Advocacy for Individuals with Mental

1 Illness Act, 42 USC 10805 (a)(1)(A); or the Protection and Advocacy of Individual  
2 Rights Act, 29 U.S.C. § 794e (f)(2). In this case, Disability Rights Washington  
3 appropriately initiated its investigation into conditions and services provided at Penrith  
4 Farms. Accordingly,

5 **IT IS HEREBY ORDERED:**

6 1. The Plaintiff's and Defendants' Motions for Summary Judgment (Ct. Recs. 55  
7 and 61) are **GRANTED** to the extent stated herein. Penrith Farms as well as its owners  
8 and agents, are required to follow the federal Protection and Advocacy Acts and their  
9 implementing regulations. 42 U.S.C. § 15041, et seq.; 42 U.S.C. § 10801, et seq.; 29  
10 U.S.C. § 794e. The Defendants are permanently enjoined from impeding Disability  
11 Rights Washington's lawful, appropriate access and requests for access to provide  
12 federally mandated protection and advocacy services which include investigations of  
13 abuse or neglect, monitoring of resident conditions, provision of information and referral  
14 services, and other advocacy services as authorized by the Protection and Advocacy Acts.

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16 2. The Defendants' Counterclaim (Ct. Rec. 42), including all 28 U.S.C. § 1983  
17 counterclaims against Plaintiff and its employees and agents are **DISMISSED** with  
18 prejudice.

19 3. The Plaintiff's Motion for Preliminary Injunction (Ct. Rec. 2) is **DENIED AS**  
20 **MOOT** in light of the court's rulings in the Order, *supra*.

21 4. This court will retain jurisdiction over this matter to ensure compliance with  
22 this Order, and this case may be re-opened upon showing of good cause, including failure  
23 to comply with this Order.

24 The Clerk is hereby directed to enter this Order, furnish copies to counsel, and  
25 close the case file, subject to re-opening on good cause shown.

26 **DATED** this 6th day of October, 2009.

27 s/ Justin L. Quackenbush  
28 JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE