

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

J.K., a minor by and through R.K., et al.,
on behalf of them selves and all others
similarly situated,

Plaintiff,

vs.

WILL HUMBLE, in his official capacity
as Interim Director of the Arizona
Department of Health Services; DR.
LAURA NELSON, in her official capacity
as Director, Division of Behavioral Health
Services, Arizona, Department of Health
Services; THOMAS J. BETLACH, in his
official capacity as Director, Arizona
Health Care Cost Containment System,

Defendants.

No. CV-91-261-TUC-JMR

ORDER

A hearing was held on this matter on November 22, 2010. In light of the parties' arguments, the Court issues the following order.

IT IS ORDERED:

1. Defendants' Motion to Change Venue (Doc. 517) is **denied**.
2. Plaintiffs' Motion to Enforce Settlement Agreement (Doc. 518) is **denied**.
3. Defendants' Motion to Dismiss Plaintiffs' Motion for Enforcement of Settlement Agreement or, in the alternative, Motion to Remand for Dispute Resolution (Doc. 522) is **denied**.
4. This matter shall be referred to a mediator for the parties to attempt a settlement of the issues.

1 5. Within **14** days of the filing of this Order, each party shall submit it to the Court a
2 suggested mediator to resolve this dispute. Alternatively, the parties may jointly submit a
3 stipulation that they will proceed with a particular mediator.

4
5 **IT IS FURTHER ORDERED:**

6 6. The issues that are to be determined by a mediator are the six issues contained in
7 Plaintiffs' letter of March 6, 2009:

- 8 - Whether the "Defendants have failed to meet their core obligation under the
9 Settlement Agreement to develop . . . a Title XIX behavioral health system that
10 delivers services according to the *J.K.* principles";
11 - Whether the Defendants have implemented a process that sufficiently
12 measures its progress in the delivery of services;
13 - Whether Defendants have "a functioning system for identifying enrolled
14 children who have high needs";
15 - Whether the state is adequately addressing "substance abuse among high needs
16 children";
17 - Whether the Defendants are meeting their obligations under the Settlement
18 Agreement to serve 18-21 year olds; and
19 - Whether the Defendants have implemented a training program that meets the
20 specifications outlined in the Settlement Agreement.

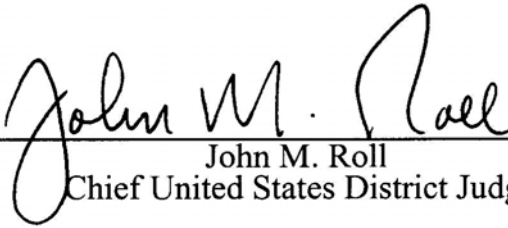
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22 7. The parties shall also confer and submit a stipulation to the Court regarding the
23 payment of attorneys' fees, including fees involved in the mediation process.

24 8. The parties shall submit to the Court a stipulation regarding a date until which
25 the Settlement Agreement, and the Court's jurisdiction over it, needs to be
26 extended.

27 9. The parties are hereby on notice that should this matter not be resolved through
28 the mediation process, it will be referred to a Special Master under Fed. R.

Civ. P. 53.

DATED this 29th day of November, 2010.



John M. Roll
Chief United States District Judge