## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

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ROBERT SIMPSON RICCI, et al.	)	Civil Action Nos. 72-0469-T (Belchertown)
	)	74-2768-T (Fernald)
Plaintiffs,	)	75-3910-T (Monson)
	)	75-5023-T (Wrentham)
ROBERT L. OKIN, et al.	)	75-5210-T (Dever)
	)	
Defendants.	)	
	_)	

# WRENTHAM ASSOCIATION'S MOTION TO RE-OPEN CASE AND RESTORE TO COURT'S ACTIVE DOCKET

Plaintiff, the Wrentham Association, hereby moves to re-open this case and to restore it to the Court's Active Docket. In favor of this Motion, Plaintiff states as follows:

- 1. After years of improved performance of its obligations under this Court's oversight and the May 25, 1993 Disengagement Order, Department of Mental Retardation ("DMR") efforts have fallen short in recent years, and consitute a violation of the Disengagement Order.
- 2. For 2 years, the Wrentham Class made specific requests to DMR for information and policy changes to address the many shortcomings. Specific shortcomings include:
  - a. Class members being subjected to substandard care, medical errors and abuse in community-based homes;
  - b. Personnel who are not adequately trained or experienced;
  - c. Insufficient monitoring of Class members, including failing to conduct periodic review; and
  - d. Failure to certify "equal or better" treatment at new locations for transferred individuals.
- 3. Furthermore, due to Governor Romney's announced policy to close large intermediate care facilities for the mentally retarded ("ICFMRs") threatens Class members with worsening conditions and continually decreasing resources and services. Simply put, the policy

will decrease the number of available space for Class members at a time when more of them will

need the type of care available at the ICFMRs. Closing the facilities will also serve to crowd the

community based programs which are already woefully inadequate to serve the needs of Class

members. As such, closing ICFMRs will necessarily violate this Court's Disengagement Order.

In further support, the Wrentham Class relies upon the Supporting Memorandum 4.

submitted herewith.

WHEREFORE, Plaintiff, the Wrentham Association, on behalf of all Wrentham Class

Members, respectfully request that his Court re-open this matter and return it to the active docket

so that the Class members may benefit from this Court's oversight.

WRENTHAM CLASS MEMBERS,

By their attorneys,

/s/ Margaret M. Pinkham

Margaret M. Pinkham (BBO #561920) Daniel J. Brown (BBO #654459)

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DATED: February 7, 2006

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#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties below by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

#### Fernald/Monson/Belchertown Classes

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## **Disability Law Center**

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#### **Department of Mental Retardation**

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/s/ Margaret M. Pinkham

Margaret M. Pinkham

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DATED: February 7, 2006