

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL ACTION NO:
)	4:09-CV-00033-JLH
v.)	
)	
STATE OF ARKANSAS <u>et al.</u> ;)	
)	
Defendants.)	
)	
_____)	

UNITED STATES’ MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, the United States moves the Court for a preliminary injunction based on the imminent and serious threat of harm to the life, health, safety, and liberty of the individuals residing at the Conway Human Development Center (“CHDC”). The State of Arkansas (“State”) fails to serve residents in the most integrated setting appropriate to their needs in violation of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101-12213, and exposes residents to death and injury as a result of unconstitutional medication management and restraint practices.

As more fully set forth in the attached Memorandum of Points and Authorities, there is a substantial likelihood that the United States will prevail on the merits, irreparable harm is being inflicted upon residents of CHDC, the balance of harms favors granting the injunction, and the public interest would be served by granting the injunction.

Respectfully submitted,

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division
Attorney for Plaintiff

SAMUEL R. BAGENSTOS
Principal Deputy Assistant Attorney General
Civil Rights Division
Attorney for Plaintiff

SHANETTA Y. CUTLAR
Chief
Special Litigation Section
Attorney for Plaintiff

BENJAMIN O. TAYLOE, JR.
Special Counsel
Special Litigation Section
Attorney for Plaintiff

s/ Kerry Krentler Dean
KERRY KRENTLER DEAN
CHRISTOPHER N. CHENG
ARETHEA A. COLES
LAURA COON
JACQUELINE K. CUNCANNAN
VINCENT HERMAN
NICHOLAS MAY
Trial Attorneys
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Ave, NW
Washington, DC 20530
(202) 514-6255
kerry.k.dean@usdoj.gov
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on March 9, 2010, I electronically filed the *United States' Motion for Preliminary Injunction* with the Clerk of the Court using the CM/ECF system, which will send notification to the following:

Thomas York, Esq.
York Legal Group
3511 North Front Street
Harrisburg, PA 17110
717-236-9675
717-236-6919 (fax)
tyork@yorklegalgroup.com

Donald B. Zaycosky
York Legal Group LLC
3511 North Front Street
Harrisburg, PA 17110
717-236-9675
dzaycosky@yorklegalgroup.com

Lori Freno-Engman
Arkansas Attorney General's Office
323 Center Street
Suite 200
Little Rock, AR 72201-2610
(501) 682-1314
lori.freno@arkansasag.gov

Respectfully submitted,

s/ Kerry Krentler Dean
KERRY KRENTLER DEAN
Trial Attorney
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Ave, NW
Washington, DC 20530
(202) 514-6255
(202) 514-0212 (fax)
kerry.k.dean@usdoj.gov