

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
Western Division**

ROSIE D., et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	C.A. No.
)	01-30199-MAP
DEVAL L. PATRICK, et al.,)	
)	
Defendants)	
)	
)	

DEFENDANTS’ MOTION FOR CLARIFICATION

The Massachusetts Executive Office of Health and Human Services (“EOHHS”), defendant in the above-named action, hereby moves for clarification of the Judgment in this matter. Specifically, EOHHS asks that the Court enter an Order stating that the Community Service Review (“CSR”) – the metric by which the Court-appointed Monitor proposes to evaluate the defendants’ compliance with the Judgment – is not an appropriate tool for accomplishing that task, and directing her to carry out her compliance-evaluation function in some other way.

EOHHS relies on its memorandum in support of this motion, filed separately, for the grounds for the relief it seeks. By way of summary, EOHHS contends that the CSR should be rejected for three distinct but inter-related reasons: (1) the CSR is designed to identify shortcomings in a social service agency’s mature system of care and, as such, is ill-suited to evaluate whether the defendants’ remedy services, in their relative infancy, satisfy the defendants’ obligations under the Judgment; (2) tools that better measure the

effective delivery of the remedy services are already available, and would more properly serve as the centerpiece of a compliance evaluation mechanism; and (3) implementing the CSR process as planned would necessarily inflate the Monitor's annual budget to an extent that would tax the defendants' ability to pay for it, absent painful reductions in personnel and other service areas.

WHEREFORE, EOHHS respectfully requests that this Court enter an Order:

1. Holding that the CSR, as proposed by the Monitor, is an inappropriate means of evaluating the defendants' compliance with their obligations under the Judgment; and

2. Directing her to carry out her compliance-obligation duties without employing the CSR; or

3. In the alternative, directing her to modify her employment of the CSR tool to address the criticisms set forth in the accompanying memorandum.

Respectfully submitted,

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ Daniel J. Hammond
Daniel J. Hammond BBO #559475
Assistant Attorney General
Government Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, Ext. 2078

Date: August 20, 2010

I hereby certify that a true copy of this document was served electronically upon counsel of record through the Court's electronic filing system on today's date.

/s/ Daniel J. Hammond

Daniel J. Hammond
Assistant Attorney General