

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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ROBERT SIMPSON RICCI, <i>et al.</i>)	Civil Action Nos. 72-0469-T (Belchertown)
)	74-2768-T (Fernald)
Plaintiffs,)	75-3910-T (Monson)
)	75-5023-T (Wrentham)
ROBERT L. OKIN, <i>et al.</i>)	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 constitute 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.

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

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