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For Immediate Release  
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**Federal Appeals Court Affirms Minnesota District Court's Authority to Order State to Comply with Landmark Settlement Benefitting People with Disabilities**

*Federal District Court May Continue to Review State's Compliance with Settlement*

**Minneapolis, Minnesota (July 26, 2018)** – In 2011, O'Meara Leer Wagner & Kohl, a leading litigation law firm in Minneapolis, negotiated a landmark class action settlement with the State of Minnesota on behalf of people with disabilities across the state. In the Settlement, the State agreed to create an Olmstead Plan, eliminate the use of physical and chemical restraints and seclusion, close state facilities that were utilizing abusive practices, and provide training to State employees. The Court approved the Settlement and ordered the State to implement its terms, while retaining jurisdiction to ensure the State's compliance with the Settlement.

Due to repeated failures by the State to comply the terms of the Settlement, the Court was forced to extend its jurisdiction over the case and appoint an independent court monitor to review the State's implementation of the Settlement. The Court also ordered the State to submit periodic progress reports to review its compliance, a process that has continued for years due to the State's repeated failures.

In 2017, after years of submission to the Court's authority, the State initiated a challenge to the Court's ongoing jurisdiction, seeking to dismiss the case before it had properly complied with the terms of the Settlement. Based on the intent of the parties in negotiating the Settlement, as well as the State's conduct over many years in recognizing the Court's jurisdiction, the Court denied the State's challenge. The State appealed the decision.

On July 26, the Eighth Circuit Court of Appeals denied the State's appeal, ruling the District Court properly retained authority over the State to review its compliance with the Settlement.

"Today the Court of Appeals affirmed the Minnesota Federal Court's ongoing authority to enforce this groundbreaking Settlement which protects the rights of people with disabilities, as citizens of Minnesota, to be free from abusive practices and live independent and self-determined lives," said Shamus O'Meara, lead counsel for the Plaintiff Class. "This decision allows the Court to continue its enforcement of a historic Settlement with profound positive benefits for individuals with disabilities across Minnesota," said O'Meara.

### **About O'Meara, Leer, Wagner & Kohl, P.A.**



For 45 years, O'Meara, Leer, Wagner & Kohl, P.A. has achieved a strong national reputation for trial success and for its handling of high profile legal matters, and has a deep tradition of community involvement. Based in Minneapolis, the firm of more than 50 employees and 21 attorneys serves a diverse group of clients from multinational corporations to emerging businesses, local governments and insurance companies. The firm has been listed in top industry publications with the highest ratings for professional legal ability and faithful adherence to ethical standards, professional reliability and diligence. For more information, visit [www.olwklaw.com](http://www.olwklaw.com) or contact Shamus P. O'Meara at 952.806.0438.