

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

WILLIAM ROE, et al., on behalf	:	
of Themselves and all others	:	
similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Case No.: 2:89-cv-00570 (KAD)
	:	
MICHAEL HOGAN, et al.,	:	
	:	
Defendants.	:	
	:	June 3, 2021

PLAINTIFFS’ MOTION FOR COMPLIANCE

Pursuant to paragraph 29 of the Court’s January 1991 Order in this case, Members of the Plaintiff Class file this Motion for Compliance with the consent decree in this case, and accompanying Motion for a Temporary Restraining Order (TRO) to prevent the indefinite temporary closure of Whiting Forensic Hospital (WFH) Unit 6 and the transfer of current patients to other units in WFH, and for an order for adequate staffing for all units at WFH including no mandated overtime.

The parties to this action settled the case in 1990 and the Court entered a consent decree (Doc. No. 38). See *Roe v. Hogan*, Agreement and Settlement (January 1991)(Order or Consent Decree) attached as Appendix 1 to Plaintiffs’ Motion for a Temporary Restraining Order. Plaintiffs, as class members, have a right to have this matter heard and the consent decree enforced. Order at ¶ 29. In accordance with the requirements of the Order, Plaintiffs have, in good faith, attempted to resolve the noncompliance with Defendants but have been unsuccessful

ORAL ARGUMENT REQUESTED

and therefore file this Motion seeking an Order by this Court finding the Defendants in noncompliance with the Order. Movants request that the Court enter an order for compliance to protect the integrity of the decree. *Berger v. Heckler*, 771 F.2d 1556, 1569 (2d Cir. 1985.)

For the foregoing reasons, and the reasons set forth in Plaintiffs' Memorandum in Support of their Motion for Compliance and the appendices, declarations and supporting exhibits attached thereto and filed herewith, Plaintiffs' Motion for Compliance should be granted.

Respectfully submitted,

The Plaintiffs,

By:

s/Kathleen M. Flaherty
Kathleen M. Flaherty, ct19344
Executive Director
Connecticut Legal Rights Project
CVH – Beers Hall 2nd Floor
P.O. Box 351 – Silver Street
Middletown, CT 06457
(860) 262-5033
(860) 262-5035
kflaherty@clrp.org

s/Kirk W. Lowry
Kirk W. Lowry, ct27850
Legal Director
Connecticut Legal Rights Project
CVH – Beers Hall 2nd Floor
P.O. Box 351 – Silver Street
Middletown, CT 06457
(860) 262-5017
(860) 262-5035
klowry@clrp.org

By: s/Stephen Byers
Stephen Byers (ct30840)
Deborah A. Dorfman (application to appear
pro hac vice pending)

Disability Rights Connecticut (DRCT)
846 Wethersfield Avenue
Hartford, CT 06114
Phone: (860) 297-4300
Fax: (860) 296-0055
Email: stephen.byers@disrightsct.org
deborah.dorfman@disrightsct.org

Counsel for Plaintiffs

Certificate of Mailing

I hereby certify that the above Motion for Compliance was filed on the Court's CM-ECF filing system and emailed to all counsel on the 3rd day of June 2021 to:

Emily Melendez
Assistant Attorney General
Health Care Unit
Office of the Attorney General
55 Elm Street, P.O. Box 120
Hartford, CT 06141-0120
Emily.Melendez@ct.gov

Deborah L. Moore, Esq.
Agency Legal Director
Dept. of Mental Health and Addiction Services
410 Capitol Avenue, 4th Floor
Hartford, CT 06134
Deborah.Moore@ct.gov

And,

David J. McGuire
Dan Barrett
ACLU-CT
765 Asylum Avenue
Hartford, CT 06110
DBarrett@acluct.org
Monitor and Class Counsel

s/Kirk W. Lowry
Kirk W. Lowry