IN THE UNITED STATES DISTRICT COURT

FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA, Plaintiff, v. TERRITORY OF GUAM, *et al.*, Defendant.	))))))))))	CIVIL CASE NO. 91-00020 **ORDER**

This matter came before the court for a status hearing on June 9, 2010. The court hereby orders as follows:

1. In light of the statement by counsel for the Department of Justice ("DOJ") that there is no objection to the policies and plans for the ongoing periodic training and assessment to the Department of Mental Health and Substance Abuse ("DMHSA") employees, the court hereby finds that Section V of the 1991 Settlement Agreement has been satisfied. Accordingly, future issues of fire safety at DMHSA, if any, should be addressed by Judge Consuelo Marshall in *J.C. v. Camacho*, Civil Case No. 01-00041. Furthermore, the court finds it is not necessary for DMHSA representatives to be present at future status hearings in the above-captioned case.

2. The oral motion by the Government of Guam to find that Section VII has been satisfied is **DENIED**. The court is aware that Dr. Andrea Leitheiser is taking the lead in working with Dr. Joseph Fowlkes, DOJ medical consultant, in ensuring compliance with the drafting and submission of the policies and procedures in connection with Section VII. The court expects the

parties to continue their cooperative and coordinated efforts in this respect, and to continue to conduct their teleconferences currently held twice a month. Furthermore, the parties shall file a joint status report indicating the outcome of their teleconferences by October 4, 2010.

3. The court is concerned that there is confusion as to whether padded cells should be installed at Department of Corrections ("DOC") facilities. It is apparent that monies may have been expended unnecessarily. The court will not condone the waste of governmental funding. Therefore, the parties are to discuss this specific issue in their teleconferences, and shall report on the outcome of such discussions in their joint status report.

4. The Office of the Attorney General shall be responsible for following up on the timely payment of the Independent Monitor.

5. The Independent Monitor shall conduct site visits and file his quarterly status report by October 4, 2010.

The next status hearing is scheduled for October 20, 2010 at 9:00 a.m.

IT IS SO ORDERED.

/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Jun 09, 2010