IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

J.J., by and through his next friend Sakeena Jackson; K.D., by and through her next friends John Levy and Meranda Davis; C.M., by and through his next friend Toinette Ducksworth; R.N., by and through his next friend Gloria Norwood; M.S., by and through his next friend Jolene Waupekanay; A.V., by and through his next friend Veronica Rocha-Montejano; M.R., by and through his next friend Autumn Rodgers; S.K., by and through her next friend Thomas Korn; and A.P., by and through her next friend Louise Plaskey,

ORDER 17-cv-47-jdp

Plaintiffs,

v.

JON E. LITSCHER, JOHN D. PAQUIN, WENDY A. PETERSON, and BRIAN GUSTKE,

Defendants.

A telephone status conference was held before District Judge James Peterson. Plaintiffs appeared by Laurence Dupuis, Jessica Feierman, Rachel Graham, Emily Stedman, and Zachary Eastburn. Defendants appeared by Samuel Hall.

The court and the parties addressed several matters at the conference. First, the parties informed the court that they had begun settlement negotiations and were cautiously optimistic about their progress. The court encouraged the parties to use available court resources, including the mediation services of Magistrate Judge Peter Oppeneer.

Second, the court granted plaintiffs' motion for class certification under Federal Rule of Civil Procedure 23(b)(2), Dkt. 2, for the reasons stated on the record. The court also appointed

class counsel. Counsel for plaintiffs notified the court that they would file supplemental

pleadings as needed to replace named plaintiffs who are no longer part of the class.

Third, the court gave the parties 21 days to submit a joint report regarding defendants'

compliance with the court's preliminary injunction. Dkt. 71. If the parties cannot agree on the

all aspects of the report, they may file separate statements on points of disagreement within

the report.

ORDER

IT IS ORDERED that:

1. Plaintiffs' motion for class certification under Federal Rule of Civil Procedure

23(b)(2), Dkt. #2, is GRANTED.

2. The following class is CERTIFIED: "All persons who are now, or in the future will

be, confined at Lincoln Hills School for Boys and Copper Lake School for Girls."

3. The issues certified for class treatment are the constitutionality of defendants' policies on the use of solitary confinement, mechanical restraints, and chemical

agents.

4. The ACLU of Wisconsin Foundation, the Juvenile Law Center, and the law firm of

Quarles & Brady LLP are APPOINTED as class counsel.

5. The parties may have until October 10, 2017, to submit a joint report regarding defendants' compliance with the preliminary injunction. If the parties cannot agree

on the all aspects of the report, they may file separate statements on points of

disagreement within the report.

Entered September 18, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON

District Judge

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