

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James and Lorie Jensen, et al.,

Case No. 09-cv-01775 (DWF/BRT)

Plaintiffs,

vs.

**DECLARATION OF
SCOTT H. IKEDA**

Minnesota Department of
Human Services, et al.,

Defendants.

I, Scott H. Ikeda, hereby declare as follows:

1. I am an Assistant Attorney General with the Minnesota Attorney General's Office and I represent State Defendants in the above-captioned matter.

2. Attached as Exhibit 1 is a true and correct copy of an email exchange with Plaintiffs' counsel that began on November 25, 2020, related to this motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 2, 2020.

s/ Scott H. Ikeda
SCOTT H. IKEDA

James and Lorie Jensen, et al.

vs.

Minnesota Department of Human Services, et al.

Case No. 09-cv-01775 (DWF/BRT)

STATE DEFENDANTS' UNOPPOSED MOTION TO RETURN
REGISTRY FUNDS TO THE
MINNESOTA DEPARTMENT OF HUMAN SERVICES

Declaration of
Scott H. Ikeda

Exhibit 1

From: Scott Ikeda
Sent: Monday, November 30, 2020 2:14 PM
To: Shamus O'Meara; Mark Azman
Cc: Aaron Winter
Subject: Re: Jensen: registry account funds

Shamus,

We think a motion is the appropriate route. From your email, it sounds like the plaintiffs do not oppose the requested relief, and we'll plan to let the Court know that the plaintiffs do not oppose the return of the funds to DHS in the motion. Please let us know right away if that's incorrect. We plan to file something in the next day or so. Thanks.

Scott

From: Shamus O'Meara <SPOMeara@olwklaw.com>
Sent: Monday, November 30, 2020 12:52 PM
To: Scott Ikeda <Scott.Ikeda@ag.state.mn.us>; Mark Azman <MRazman@olwklaw.com>
Cc: Aaron Winter <Aaron.Winter@ag.state.mn.us>
Subject: RE: Jensen: registry account funds

Scott, why not just call the court requesting its return. We have no objection if that's what the court wants to do. I

Shamus

From: Scott Ikeda [mailto:Scott.Ikeda@ag.state.mn.us]
Sent: Monday, November 30, 2020 10:36 AM
To: Shamus O'Meara; Mark Azman
Cc: Aaron Winter
Subject: Fw: Jensen: registry account funds

EXTERNAL Email: Validate First - OLWK-IT

Shamus & Mark:

I'm following up on my email below from last Wednesday. We'd like to avoid incurring the burden and expense of drafting a contested motion seeking the return of funds in the court's registry if the motion is not contested. Please let us know when either of you are available to meet and confer today and tomorrow. I'm free today from 10-11 and from 12:30. I'm free tomorrow from 9-10:30 and from 11:30 for the remainder of the day. If the plaintiffs do not object to the relief, please let me know that. Thank you.

Scott

From: Scott Ikeda
Sent: Wednesday, November 25, 2020 10:57 AM

To: Shamus P. O'Meara <spomeara@olwklaw.com>

Cc: mrazman@olwklaw.com <mrazman@olwklaw.com>; Aaron Winter <Aaron.Winter@ag.state.mn.us>

Subject: Jensen: registry account funds

Shamus:

DHS intends to bring a motion asking that the Court return the funds held in the Court's registry account. *See, e.g.,* Doc. 286 ("Upon the Court's order determining that the Court Monitor's work under its orders has concluded, any balance remaining in the Registry account shall promptly be returned to the Minnesota Department of Human Services."); Doc. 383 ("Within a reasonable time following June 30, 2016, the Court shall issue a check to the Department for any remaining Deposit funds held in the Court's registry."). Given that the Court's jurisdiction ended and the time to appeal any of its orders has now expired, DHS believes it is undisputed that the funds in the registry account should be promptly returned to DHS. As you know, under the Court's local rules, we are required to meet and confer with you prior to bringing a motion. Please let us know when Plaintiffs are available to meet or alternatively, whether Plaintiffs agree to the relief sought in the motion. We are available early next week as follows: Monday (after 10am) and Tuesday (from 9-10:30 and from 11:30 for the remainder of the day). Thank you.

Scott

Scott Ikeda

Assistant Attorney General

Manager, Human Services Division

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