

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

K.W., by his next friend D.W, *et al.*,

Plaintiff,

v.

RICHARD ARMSTRONG, in his
official capacity) as Director of the Idaho
Department of Health and Welfare, *et al.*,

Defendant.

TOBY SCHULTZ, *et al.*,

Plaintiffs,

v.

RICHARD ARMSTRONG, *et al.*

Defendants.

Case No. 1:12-cv-00022-BLW

Case No. 3:12-cv-00058-BLW

**MEMORANDUM DECISION AND
ORDER**

Pending before the Court is the Class's Motion for ADR Order (Dkt. 391). After reviewing the parties' briefing, I concur with the Plaintiffs that there is a need to resolve the parties' ongoing dispute concerning a proper schedule to complete settlement implementation. But I am not persuaded that some form of Alternative Dispute Resolution is the best means of doing so. In my experience, further mediation of settlement agreements results in further complications that only prolong implementation of the parties' settlement. For that reason, I have concluded that a better course of action

is to set a hearing on that issue,¹ set up a briefing schedule, and resolve the disputed issue after hearing from both parties. The Court will set the hearing and the related briefing schedule in a separate order.

IT IS SO ORDERED.



DATED: November 4, 2020

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
United States District Judge

¹Arguing that it is unworkable, the Defendants have objected to the Court's June 4, 2020 order (Dkt. 396) requiring a two-track deadline for implementation of the settlement agreement. *See* Defendants' Opposition to Plaintiffs' Request for ADR, Dkt. 398). The Court will also resolve that objection as part of the scheduled hearing.