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The Honorable MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

A.B., by and through her next friend
CASSIE CORDELL TRUEBLOOD, *et al.*,

Plaintiffs,

v.

WASHINGTON STATE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,
et al.,

Defendants.

No. 14-cv-01178-MJP

**ORDER GRANTING
ADDITIONAL TIME FOR WARD
CONSTRUCTION AT WESTERN
AND EASTERN STATE
HOSPITALS AND REQUIRING
REPORTING**

This matter comes before the Court upon the Defendants’ Motion Seeking Additional Time for Ward Construction at Western and Eastern State Hospitals. Having considered the pleadings in the court file and otherwise being fully informed:

THE COURT FINDS that the COVID-19 pandemic is an unprecedented public health crisis that has resulted in a state of emergency being declared in the state of Washington. Before the pandemic, the Department had planned to request a definite extension of time only for the Western State Hospital project, based on unexpected construction conditions and necessary design changes. However, the unexpected nature of the COVID-19 pandemic made that definite request impossible. The pandemic has had unavoidable impacts on the construction of four new

1 forensic wards at Eastern and Western State Hospital. Despite the Department’s efforts to
2 continue construction efforts during the pandemic, the renovation of these four wards will not
3 be completed on the projected timeline specified in the Amended Comprehensive Settlement
4 Agreement, Dkt. No. 599-1.

5 Because of the nature of the delays related to the COVID-19 pandemic, the length of the
6 delay is indefinite. Completion of construction is dependent on the abatement of restrictions that
7 are associated with the current and ongoing state of emergency.

8 IT IS THEREFORE ORDERED that the Department shall be allowed additional time to
9 complete the renovation of four forensic wards at Eastern and Western State Hospitals. In order
10 to keep the Court fully informed while construction continues, the Department shall submit a
11 report to the Court on the 1st and 15th of each month, or the next judicial day following these
12 dates. The report will include information about ongoing construction activities, which activities
13 continue to be impacted by COVID-19, and what actions the Department is taking to overcome
14 those impacts. These reports will allow the Court to have regular insight to the progress that is
15 being made and the Court will request additional information whenever the Court deems it
16 necessary.


17 Additionally, in recognition of the significant impact that COVID-19 is having on wait
18 times for restoration—most notably the delay in 90 new beds that the Parties had expected to be
19 available this summer—the Court also directs the Department to:

- 20 1) Make reasonable efforts to increase bed capacity for restoration treatment while
21 the new forensic wards remain unfinished; and,

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2) Include in the reports filed on the 1st and 15th information about these efforts.

Dated this __21st__ day of May 2020.



Marsha J. Pechman
United States Senior District Judge

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