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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

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

12 Plaintiffs,

13 v.

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

16 Defendants.  
17

CASE NO. C14-1178 MJP

ORDER DENYING MOTION FOR  
ADDITIONAL TIME

18 This matter comes before the Court on Defendants' Motion Seeking Additional Time to  
19 Implement Phase 2 Outpatient Competency Restoration Services. (Dkt. No. 892.) Having  
20 reviewed the Motion, Plaintiffs' Opposition (Dkt. No. 894), and all supporting materials, and  
21 having held oral argument on May 25, 2022, the Court DENIES the Motion.

22 Defendants ask the Court to excuse their failure to meet a March 31, 2022 deadline to  
23 implement an Outpatient Competency Restoration Program (ORCP) in King County that was  
24 part of the Phase 2 Final Implementation Plan that Defendants negotiated and signed. (See Defs.

1 Mot. at 1 (Dkt. No. 892); Phase 2 Final Implementation Plan (Dkt. No. 838-1 at 6).) Defendants  
2 point to the difficulties they have had in locating a provider for these services, despite starting  
3 the request for information process in April 2021 to identify providers. (Declaration of Keri  
4 Waterland ¶¶ 4-9, 12-15 (Dkt. No. 893).) Defendants also point to staffing difficulties cited by  
5 existing or possible ORCP providers and the COVID-19 pandemic’s impact on staffing and  
6 provision of services. (Id. ¶¶ 10-11.) Against this backdrop, Plaintiffs assert that Defendants  
7 failed to timely notify Plaintiffs of the challenges they faced and unreasonably delayed in  
8 seeking assistance from Plaintiffs. (Declaration of Kim Mosolf ¶¶ 7-9 (Dkt. No. 895).) Plaintiffs  
9 also provide evidence that they made repeated efforts through formal and informal channels to  
10 assist Defendants to secure an ORCP providers in King County. (Id. ¶¶ 7-13.) And Plaintiffs  
11 argue that the difficulties Defendants cite in finding an ORCP provider or staffing an ORCP  
12 program were forecast well in advance of the deadline. (Pls. Opp. at 4 (Dkt. No. 894); Mosolf  
13 Decl. ¶ 6 (citing the 2021 challenges in implementing ORCP in Spokane).)

14           The Court finds that Defendants have failed to provide good cause to justify the request  
15 for additional time. The record here shows that when Defendants negotiated and agreed to the  
16 March 31, 2022 deadline to implement ORCP in King County they knew that they would face  
17 headwinds given the COVID-19 pandemic and staffing shortages. And when Defendants ran into  
18 trouble finding a provider, they did not involve Plaintiffs in a timely manner or bring this matter  
19 to the Court’s attention until shortly before the deadline expired. Defendants’ decision to work in  
20 isolation and not seek assistance earlier demonstrates a lack of diligence that does not justify the  
21 extension sought. The Court therefore DENIES the Motion.

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The clerk is ordered to provide copies of this order to all counsel.

Dated May 26, 2022.



Marsha J. Pechman  
United States Senior District Judge