

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

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*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.

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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/

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JAMES D. PETERSON  
District Judge