

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

WYATT B. and NOAH F. by their next friend Michelle McAllister; KYLIE R. and ALEC R. by their next friend Kathleen Megill Strek; UNIQUE L. by her next friend Annette Smith; SIMON S. by his next friend Paul Aubry; RUTH T. by her next friend Michelle Bartov; BERNARD C. by his next friend Ksen Murry; NAOMI B. by her next friend Kathleen Megill Strek; and NORMAN N. by his next friend Tracy Gregg, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

TINA KOTEK, Governor of Oregon in her official capacity; FARIBORZ PAKSERESHT, Director, Oregon Department of Human Services in his official capacity; APRILLE FLINT-GERNER, Director, Child Welfare in her official capacity; and OREGON DEPARTMENT OF HUMAN SERVICES,

Defendants.

CASE NO. 6:19-cv-00556-AA

ORDER

This matter having come on before the court at a telephonic hearing on February 22, 2024, and the court having heard argument on the matter, it is hereby

ORDERED that defendants produce all documentation of the individual records and case files of the individual children that have not been previously produced, including the following documents identified by Plaintiffs in the January 31, 2024 Joint Letter and at the February 22, 2024 hearing:

- (1) all child abuse reports and assessments in which the class representative and/or any of the 95 children in the “sample” files were the subject of or participant in a report or CPS investigation relating to abuse in substitute or congregate care – or other out-of-home placement for a child in the care and custody of the Oregon Department of Human Services (“ODHS”), whether or not the Defendants determine the child to be by definition “in care” pursuant to ORS 418.257-260 at the time of the incident of abuse;
- (2) any related provider notes entered in OR-Kids that relate to the care and condition of the subject children; and
- (3) any Sensitive Issue Reports and/or file reviews that ensue from the child abuse reports and/or assessments described in (1).

ORDERED that defendants produce all such records immediately, and beginning 1) with the children referred to in Response to Request to Produce 15 and 16, and thereafter that defendants produce all records as described above 2) with the records with regard to the named plaintiffs in this action, and it is further,

ORDERED that all such records be produced at a rate of 30 children’s records a week, beginning on the date of this Order and continuing weekly thereafter until all such records are produced.

ORDERED that the parties are to confer at least once per week on the status of production of the records identified in this Order and on any other issues of discovery that arise.

IT IS SO ORDERED:

DATED: March 20, 2024

/s/Ann Aiken
HONORABLE ANN AIKEN
U. S. District Court Judge