IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JOHN B., et al.,)	
)	
Plaintiffs,)	
)	
)	NO. 3:98-0168
DAVE GOETZ, Commissioner,)	
Tennessee Department of Finance)	JUDGE HAYNES
and Administration, et al.,)	
)	
Defendants.)	
)	

<u>ORDER</u>

In accordance with the Memorandum filed herewith, the Defendants' motion to postpone the November 20, 2007 hearing is **GRANTED**. The hearing is reset for **Thursday**, **November 29, 2007 at 8:00 a.m.**. The Commissioners of the Department of Finance and Administration and Children's Services shall be present. Darin Gordon, Director of TennCare and Dr. Wendy Long, the person named in Interrogatory No. 22 shall also be present for this hearing.

For the reasons stated in the accompanying Memorandum, the Defendants' first motion for clarification or in the alternative reconsideration of the Order of October 10, 2007 (Docket Entry No. 1032) is **GRANTED**, in part to clarify that the implementation of the March 17, 2004 Memorandum is limited to a second review of the Defendants' paper documents for relevance to this action, production to the Plaintiffs and preservation. This motion is otherwise **DENIED**. It is further **ORDERED** that the Defendants shall designate instanter the individuals in the State Attorney General's Office and the agencies that implement the Consent Decree in this action who will conduct this supplemental paper review for relevance to this action, production to the Plaintiffs and preservation.

For the reasons stated in the accompanying Memorandum, the Defendants' second motion for clarification or in the alternative reconsideration of the October 10, 2007 Order (Docket Entry No. 1042) is **DENIED**. All data from the Department of Children's Services TNKids database and the Tennessee Mental Health and Developmental Disabilities Incident and Incident Reports database shall be provided in their native format without redaction, but subject to an appropriate protective order to protect the privacy interests of the children, doctors and other protected persons. The parties have ten (10) days from the date of entry of this Order to submit an appropriate protective order and if they are unable to agree upon a protective order, their counsel shall file separate proposed orders with a statement of their differences.

It is further **ORDERED** that the Plaintiffs' computer expert, Michael Tigh, his computer expert and Mr. Ronald J. Hedges, the Court's monitor, shall forthwith inspect the State's computer system and any computers of the fifty (50) key custodians that contain information relevant to the action. These inspections are to assess whether any production of information required by the Consent Decree or previous Order of the Court and the October 10, 2007 Order of the Court, has been impaired or compromised or removed. Mr. Tigh and/or his computer expert shall make forensic copies of any computer inspected to ensure the preservation of all existing electronically stored information ("ESI"). The United States Marshal or his designated deputies shall accompany Mr. Tigh, his computer expert and Mr. Hedges to ensure that this Order is fully executed. Mr. Hedges shall provide any necessary guidance to the United States Marshal or his designee in executing this Order. A copy of this Order shall be provided to the United States Marshal.

It is so **ORDERED**.

ENTERED this the // day of November, 2007.

United States District Judge