

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DISABILITY RIGHTS NEW JERSEY, INC.,

Plaintiff,

v.

JENNIFER VELEZ, in her official capacity as
Commissioner, State of New Jersey Department
of Human Services, and

STATE OF NEW JERSEY

Defendants.

Civ. No. 10-3950(DRD)

ORDER

This matter having come before the Court on cross-motions for summary judgment brought by Plaintiff Disability Rights New Jersey Inc. (“DRNJ”) and by Defendants the State of New Jersey and Commissioner Velez in her official capacity, and the Court having considered the submissions and oral arguments of the parties, and good cause having been shown;

IT IS on this 27th day of September, 2013, hereby ORDERED that the cross-motions for summary judgment are GRANTED in part and DENIED in part:

1. DRNJ’s motion for summary judgment on the Fourteenth Amendment due process challenge on substantive and procedural grounds as to the CEPP status patients is GRANTED, and Defendants’ related motion is DENIED.
2. Defendants’ motion for summary judgment on the Fourteenth Amendment due process challenge on substantive and procedural grounds as to the remaining class is GRANTED, and DRNJ’s motion as to the same is DENIED.

3. Defendants' motion for summary judgment as to the remaining class on the First Amendment, right to counsel, and access to the courts claims is GRANTED, and DRNJ's related motion is DENIED.
4. DRNJ's motion for summary judgment with respect to violations of the Americans with Disabilities Act, 42 U.S.C. 12131, *et seq.* ("ADA") and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794(a) ("RA") as to CEPP status patients is GRANTED, and DSNJ's related motion is DENIED.
5. Defendants' motion for summary judgment for violations of the ADA and the RA as to the remaining class is GRANTED, and DSNJ's related motion is DENIED.
6. An injunction is hereby issued halting the application of A.B. 5:04B to CEPP status individuals because the policy violates their substantive and procedural due process rights and wrongfully discriminates against them on the basis of their mental illness.
7. As to the remaining class, A.B. 5:04B is valid.

/s/ Dickinson R. Debevoise
DICKINSON R. DEBEVOISE, U.S.D.N.J.