## UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

PAUL SHAFER and JOSHUA HARDER, : Individually and on Behalf of All Other : Persons Similarly Situated, : 3:12CV-00039(AWT) Plaintiffs
v.

RODERICK BREMBY, in his Official :
Capacity as Commissioner of the :
Connecticut Department of Social Services :
Defendant :
JULY 9, 2018

## DEFENDANT'S RESPONSE TO PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE

## I. INTRODUCTION

On June 25, 2018, the plaintiffs filed their Memorandum in Support of their Motion for Order to Show Cause why Roderick Bremby, in his official Capacity as Commissioner of the Connecticut Department of Social Services ("DSS") should not be held in contempt for failing to meet certain timely processing benchmarks. [Dkt. \# 257]. Plaintiffs' memorandum was filed both in support of their May 18, 2018 Motion for Order to Show Cause and in response to the Defendant's Opposition to the Plaintiffs' May 18, 2018 Motion for Order to Show Cause. [Dkt. \# 247 and 254]. ${ }^{1}$

The plaintiffs failed to even address the third factor of contempt ${ }^{2}$ in their May 18, 2018 Motion for Order to Show Cause. In contrast, DSS's Opposition to the Motion for Order to

[^0]Show Cause addressed the third prong of the contempt test, detailing the numerous efforts DSS has made and continues to make in order to achieve and maintain compliance with the Modified Settlement Agreement, including the timely processing benchmarks. [Dkt. \# 243-1].

In their June 25, 2018 memorandum, the plaintiffs, for the first time, attempt to demonstrate why the defendant should be held in contempt. In the first instance, the plaintiffs baselessly assert that they do not have the burden in proving that contempt should enter. Next, the plaintiffs argue that even if they do have the burden in showing contempt should enter, DSS's additions to its eligibility service workforce as well as other efforts to work with existing staff to more effectively process Medicaid applications is essentially "too little too late." [Dkt. \#257, p. 7]. This argument appears to be entirely predicated on plaintiffs' belief that the defendant's noncompliance with the timely processing benchmarks in the Original Settlement Agreement entered into in 2014 still provides plaintiffs with the basis for relief through a contempt motion, filed long after the expiration of the Original Settlement Agreement and adoption of the mutually agreed upon Modified Settlement Agreement in the summer of 2017.

Because the plaintiffs have failed to meet their burden in proving the third element of contempt, their Motion for Order to Show Cause should be denied. Not only have the plaintiffs failed to meet their burden, but the defendant's opposition to plaintiffs' motion clearly demonstrates that DSS is being reasonably diligent in its attempt to comply with the Modified Settlement Agreement. DSS's efforts more than meet the standard of "reasonable diligence."
underlying order was clear and unambiguous; (2) the defendant did not comply with the order; and (3) the defendant "did not diligently attempt to comply with the order in a reasonable manner." Latino Officers Ass'n v. City of New York, 558 F.3d 159, 164 (2d Cir. 2009).

## II. ARGUMENT

## A. It is the Plaintiffs' Burden to Prove by Clear and Convincing Evidence that Contempt Should Enter.

In their June 25, 2018 memorandum, the plaintiffs argue that it is not their burden to prove contempt should enter. [Dkt. \#257,. pp. 2-3]. The plaintiffs notably point to no legal authority to support their proposition that the burden here is shifted to the defendant. Nor do plaintiffs explain how the language in paragraph 22 of the Modified Settlement Agreement shifts this burden, either explicitly or implicitly. In their Motion for Order to Show Cause, the plaintiffs even went so far as to prove the first two elements of contempt - that the order was clear and unambiguous and that the defendant did not comply with the order. The only factor plaintiffs did not address in their Motion for Order to Show Cause was the third prong: whether DSS was reasonably diligent in its attempt to comply with the Modified Settlement Agreement.

Additionally, case law interpreting a district court's power to hold a party in contempt is very clear. "A contempt order is warranted only where the moving party establishes by clear and convincing evidence that the alleged contemnor violated the district court's edict." Hart Schaffner \& Marx v. Alexander's Department Store, § 341 F.2d 101, 102 (2d Cir. 1965) (per curiam) (emphasis added.) Paragraph 22 of the Modified Settlement Agreement does not shift the burden to the Defendant to prove all elements by clear and convincing evidence. ${ }^{3}$

When the parties negotiated the extension and modification of the Original Settlement Agreement during the summer of 2017, the language in paragraph 22 of the Modified Settlement

[^1]Agreement was adopted to allow the plaintiffs a quicker avenue to pursue contempt for the defendant's alleged violation of the timely processing benchmarks in paragraph 18(a). [Dkt. \# 243-1 ब 22]. Pursuant to the original Settlement Agreement, the plaintiffs were required to give the defendant thirty days written notice that they intended to file a motion for contempt. [Dkt. \# 196-1, 『 23]. The parties were then required to meet "to discuss and to attempt to resolve in good faith nay claimed non-compliance no fewer than 20 days after the provision of the written notice.". Id. Plaintiffs could only file for contempt after this meeting was held. Id. This meant that plaintiffs would have to wait a month or more after declaring their intention to request contempt to file the motion with the Court. Id.

While this provision remains in the Modified Settlement Agreement at paragraph 23, for alleged violations of paragraph 18(a) of the Modified Settlement Agreement, the plaintiffs can immediately file their request for contempt with the court without first requesting a meeting with the defendant to discuss the alleged noncompliance. [Dkt. \# 243-1, qा 22]. This fast-track into court was the only stated purpose for the addition of paragraph 22 in the Modified Settlement Agreement. The plaintiffs' attempt to avoid having to put forth clear and convincing evidence that all three elements required for contempt to enter by shifting the burden to DSS must therefore be rejected.

## B. Plaintiffs Are Seeking Redress of Noncompliance Under the Terms of the Original Settlement Agreement, Which is Not Permitted Under the Modified Settlement Agreement.

The plaintiffs agree "that the applicable standard for contempt" is set forth in King v. Allied Vision, 65 F.3d 1052, 1058 (2d.Cir 1995). [Dkt. \# 257, p.7]. They argue that the Defendant has failed to show that it has made reasonably diligent attempts to "reach compliance with the Modified Stipulation". Id. at p. 13. In support of this position, the plaintiffs, in part,
improperly put forth facts that pre-date the entry of the Modified Stipulation by this Court on August 31, 2017.

The plaintiffs begin by identifying the basis for their contempt motion as the defendant's failure to comply with the benchmarks for the processing of HUSKY C non-long term care and Medicaid long term care applications set forth in paragraph 18(a) of the Modified Settlement Agreement. Id. at pp. 1-2, [Dkt. \#243-1, 『ा 22]. The specific benchmarks which appear in paragraph 18(a) of the Modified Settlement Agreement replace the benchmarks contained in the Original Settlement Agreement. [Dkt. \#243-1, ๆ 18(a)]. Yet, instead of focusing solely on the actual benchmarks set forth in paragraph 18(a) of the Modified Settlement Agreement, the plaintiffs expound upon the defendant's failure to reach compliance with the benchmarks set forth in the Original Settlement Agreement. [Dkt. \#243-1, pp. 3-4, 7, 12]. The facts relating to the Original Settlement Agreement are improper to the Court's consideration of whether contempt for non-compliance with paragraph 18(a) of the Modified Stipulation should enter.

The impropriety of asking the court to consider these facts is made plain by the plaintiffs' own statement that they "did not file a motion for contempt with respect to Defendant's noncompliance with the 2014 Stipulation ${ }^{4 "}$ when they agreed to the Modified Settlement Agreement. [Dkt. \# 257, p. 5]. The plaintiffs voluntarily waived their ability to file for contempt on the terms of the Original Settlement Agreement. They should not be permitted to revisit their decision to forego filing a motion for contempt or to reach back in time to assert non-compliance with paragraph 18(a) of the Modified Settlement Agreement based upon an agreement that is no longer in force. The defendant would clearly be prejudiced by having to defend against

[^2]allegations of non-compliance with the Original Settlement Agreement when the Modified Settlement Agreement is the basis of the motion for contempt presently before this court.

C. Plaintiffs' Argument that DSS's Increase in Staffing Does Not Demonstrate DSS is Being "Reasonably Diligent" in its Efforts to Comply with the Modified Settlement Agreement Because the Staffing Additions are "Too Little, Too Late" is Without Merit.

The plaintiffs argue that any increase in DSS staffing is "too little too late." [Dkt. \# 257, p. 7]. This argument is again predicated on plaintiffs' belated attempt to seek redress for the defendant's noncompliance with the Original Settlement Agreement.

DSS started to routinely hire new staff beginning in October 2017, shortly after the Court's August 31, 2017 approval of the modified Settlement Agreement.[Dkt. \#244]. DSS began hiring staff to bolster its performance and to attempt to comply with the terms of the Modified Settlement Agreement. Plaintiffs' essentially argue that any noncompliance with the Modified Settlement Agreement should result in contempt because DSS was in noncompliance with the original Settlement Agreement. This means that nothing DSS did would be enough to avoid contempt if it ever failed to achieve or maintain compliance with the Modified Settlement Agreement. Not only does this argument defy logic, but it also undermines the parties' agreement to modify and extend the Settlement Agreement in exchange for plaintiffs not filing for contempt based on DSS's failure to comply with the original Settlement Agreement. [Dkt. \#257, p. 5].

Plaintiffs also allege that DSS's additions to its eligibility staff within the last year only replaces staff DSS has lost through attrition over the years. [Dkt. \# 257, p. 8]. This is simply not accurate. By plaintiffs' own calculations, DSS currently employs 27 more eligibility service workers than it did one year ago and 13 more than January 1, 2015. [Dkt. \# 257, p. 8-9]. More importantly, the staffing levels in plaintiffs' exhibit were accurate as of June 1, 2018. [Dkt. \#

257-1, p. 3]. As a result, the staffing levels provided by plaintiffs in support of the request for contempt does not include DSS's June 7, 2018 addition of 33 eligibility service workers or its coming July addition of 35 eligibility service workers. [Dkt. \# 254-3, ๆ| 32].

The plaintiffs provide no clear or convincing evidence that the current staffing levels are inadequate. In fact, the plaintiffs provide no evidence at all, simply their own unsupported opinion. Plaintiffs strongly suggest that DSS’s failure to meet the timely processing benchmarks in January 2018 demonstrates that DSS’s staffing level is inadequate. This explanation fails to consider that most of the additions of staff occurred after DSS would have processed the January 2018 applications.

The benefits of much of the additional staff would not be seen in the January 2018 report even though the report was issued on May 15, 2018 because DSS's Medicaid Application Timeliness Report reports on the dispositions of all applications that filed in a given month. Because some Medicaid applications have a $90 \mathrm{day}^{5}$ standard of promptness, DSS cannot report on the dispositions of all applications filed in a month until 90 days after the end of the reported month. DSS then needs time to compile the data for the report. This means that for applications filed in January 2018, the report is not available until May 15, 2018, 3.5 months after the end of January. This reporting structure was agreed to by the parties before signing the Original Settlement Agreement in 2014.

Furthermore, while new staff will certainly help DSS to achieve the timely processing benchmarks in the future, staff must first be trained and then become comfortable processing applications. This is a process that takes time. Therefore, even for the new eligibility staff that

[^3]was hired prior to January 2018, their training and learning process had not completed by the end of the application processing period.

Prior to filing their Motion for Order to Show Cause, the defendant told the plaintiffs that DSS added staff. Ex. A, Email from AAG Callahan to Shelley White. DSS further explained that the benefits from the new staff would not be instantaneous due to the lengthy training process and the 3.5 month lag in reporting. Id. Notwithstanding this explanation, plaintiffs chose to file for contempt before there is even any concrete evidence that the current staffing levels, including the recent additions in staffing, are inadequate. Additionally, plaintiffs provide no evidence as to what they believe an adequate staffing level would be.

In fact, at the time plaintiffs filed their June 25, 2018 memorandum in support of their Motion for Order to Show Cause, the February 2018 Medicaid Timeliness Report was available. ${ }^{6}$ This report shows improved timely processing percentages for both HUSKY C and Medicaid long-term care. Ex. B, Medicaid Application Timeliness Summary. Based on the February 2018 report, DSS surpassed the full compliance benchmark for Medicaid long-term care applications and timely processed $95.35 \%$ of Medicaid long-term care application. Id. For HUSKY C applications, DSS improved its timely processing percentage by 2 percentage points, bringing its timely processing percentage up from $84.90 \%$ to $86.94 \%$. Id. While this still does not meet the $90 \%$ timely processing percentage required for full compliance, DSS is only out of compliance by slightly more than $3 \%$. Id.

This improvement strongly suggests that DSS's recent additions to staff, particularly the staff that was fully trained by February 2018, are helping it to reach full compliance. It also undermines plaintiffs' unsupported arguments that DSS's current staffing levels are inadequate.

[^4]
## D. Plaintiffs' Argument that DSS's Efforts to Improve Medicaid Long-Term Care Timely Processing Using Existing Staff is Without Merit.

Plaintiffs go through great efforts to again minimize any effort DSS has made to improve timely processing and achieve full compliance by working with its existing staff to improve worker processes. DSS's opposition to contempt indicated that DSS instituted a Corrective Action Plan in April 2017 to address its failure to meet timely processing benchmarks for the Medicaid long-term care population. This was a typographical error. The Corrective Action Plan was instituted in April 2018. As a result, at the time of plaintiffs' Motion for Order to Show Cause, there was nothing to report regarding results as it had only been a month since DSS began its remediation plan. Additionally, though the defendant indicated the incorrect date for the start of the Corrective Action Plan, plaintiffs were aware of the actions DSS took to work to improve processing in the lagging Medicaid long-term care processing hubs. Ex. A, Email from AAG Callahan to Shelley White.

As with the additions in staffing, any benefit DSS would see from the actions it took to address issues with Medicaid long-term care processing would not have been reflected on the January 2018 timeliness report. Due to the 3.5 month lag in reporting, most of the Medicaid long-term care applications passed their standard of promptness long before DSS even produced the December 2018 report (available April 15, 2018). Any benefits from DSS's Corrective Action Plan would not be anticipated to be demonstrated until the reports for applications processed in April 2018 and May 2018 were available. ${ }^{7}$

[^5]E. Plaintiffs' Argument that DSS's Efforts to Improve HUSKY C Timely Processing are Inadequate Again Fail to Take into Account the 3.5 Month Delay in Reporting.

As with their arguments concerning staffing levels and DSS's Medicaid long-term care Corrective Action Plan, plaintiffs’ argument that the staffing additions dedicated to HUSKY C is without merit because plaintiffs have not allowed enough time to pass since the staffing additions. Similarly, the recent management change described in Marva Perrin's affidavit was only effective beginning March 16, 2018. [Dkt. \# 254-3, © 1 28]. By March 16, 2018, most of the Medicaid applications filed in January 2018 would have passed the typical 45 day standard of promptness. As a result, this change would not have had much, if any, impact on the January 2018 applications.
F. The ImpaCT Transition Will Take Time for Full Benefits to Be Realized.

The plaintiffs are skeptical that the transition to ImpaCT should have any appreciable negative effect on DSS's ability to meet timely processing benchmarks. Nevertheless, plaintiffs produced old statements from DSS that predate the roll out of $\mathrm{ImpaCT}^{8}$ in which DSS explains the benefits of the transition to the ImpaCT system from its legacy EMS system. DSS still strongly believes that the implementation of ImpaCT will ultimately be beneficial to its timely processing efforts and will allow DSS to process applications and serve its clients more efficiently. In the short-term, DSS eligibility service workers need time to become fully acclimated to processing applications in a completely new computer system. Already, DSS sees improvement in its timely processing performance as compared to the beginning of the implementation of ImpaCT.

[^6]
## III. CONCLUSION

For all of the reasons explained in the Defendant's Opposition to Contempt and for all of the foregoing reasons, the Court should deny plaintiffs’ Motion for Contempt.

RODERICK BREMBY, IN HIS OFFICIAL CAPCITY AS COMMISSIONER OF THE CONNECTICUT DEPARTMENT OF SOCIAL SERVICES

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## CERTIFICATION

I hereby certify that on July 9, 2018, a copy of the foregoing Defendant's Response to Plaintiffs' Memorandum in Support of Motion for Order to Show Cause was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.
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| From: | Callahan, Jennifer |
| :--- | :--- |
| To: | Shelley White; Sheldon Toubman |
| Cc: | Melendez, Emily |
| Subject: | Shafer v. Bremby LTC Timely Processing |
| Date: | Thursday, April 12, 2018 3:12:00 PM |

Shelley and Sheldon,

I recently met with the Department of Social Services to discuss the concerns you raised with respect to the Department's processing of Medicaid LTC applications. Specifically, you asked what the Department was doing to bring up its LTC Medicaid application timely processing percentage and how the Department was working to improve the LTC timely processing percentages in the Hartford and New Haven offices. After meeting with staff from the Department I can report that the Department is addressing its LTC timely processing performance in several ways.

First, the Department has hired more staff to process LTC applications. In Hartford, nine new staff were added to the LTC application processing unit in the last six months. Three of the nine new staff are new DSS Connecticut Career Trainees and six are transfers from other areas into the Hartford LTC hub. Additionally, two new staff were added to the New Haven LTC application processing unit.

Second, the Department has worked diligently to address some management issues in the New Haven office. After talking to the managers and supervisors in the New Haven office, Marva Perrin observed the LTC application processing hubs in Waterbury and Bridgeport to determine if there was anything they did that could help New Haven improve its timely processing percentage for LTC applications. Marva found that there were certain things that Waterbury and Bridgeport did that made them more successful including holding all staff meetings on a near weekly basis and constantly reviewing reports of application processing.

As a result, the managers and supervisors from the New Haven office are set to observe the Waterbury and Bridgeport LTC processing hubs. In addition, the New Haven LTC processing hub is now required to report to Marva on a weekly basis the following items at the end of the week: all pending applications, all new applications, all processing applications, all overdue applications, and all delay codes associated for overdue applications. There will also be monthly meetings to discuss best practices as employed by the Waterbury and Bridgeport offices.

As a reminder, the Department has taken these actions, but we won't see the results from these improvements for up to 4 months due to the reporting lag associated with the Medicaid Timeliness report. Despite this lag, the Department will be monitoring the situation internally so that it can get a sense as to whether these efforts are successful or if further adjustments need to be made.

Finally, you requested that the Department re-run the Medicaid Timeliness Reports to January 1, 2017 so that it can capture any additional applications that were inadvertently left out of the ImpaCT query for the Timeliness Report. Unfortunately, re-running the reports will make the Timeliness Report less accurate because of challenges in retrieving certain reporting elements historically, notably the delay code field which can only reflect the most recent code associated with the case. Furthermore, any potential changes in volume of LTC applications would be minimal until July or

August because as of January 2017, Middletown was the only office that had rolled out ImpaCT. Other offices didn't begin rolling out into ImpaCT until March 2017, and ImpaCT was only fully rolled out in all offices by the end of the summer 2017. As a result, there were very few LTC applications in ImpaCT during the first half of 2017.

Also, even with the full roll out of ImpaCT the correction to the most recent report (November) shows that the issue with the ImpaCT query still only yields relatively few additional applications (86 for November), and including these applications had minimal effect (and in fact slightly improved) the Department's timely processing percentage this past month.

Let me know if you have any further questions at this time. Thanks.

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|  | HUSKY A（w／o LTC） |  |  | HUSKY C（w／o LTC） |  |  | LONG TERM CARE |  |  | HUSKY D |  |  | total non－ltc |  |  | TOTAL MEDICAID |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Apps | \＃Timely | \％Timel | Aps | \＃Timely | \％Timel | Apps | \＃Timely | \％Time | Apps | \＃Timely | \％Tim | Apps | \＃Timely | \％Tim | Apps | \＃Timely | \％Tim |
| Aug－13 | 8，862 | 7，449 | 84．06\％ | 5，403 | 4，408 | 81．58\％ | 1，225 | 485 | 39．59\％ | 7，651 | 5，991 | 78．30\％ | 21，916 | 17，848 | 81．449 | 23，141 | 18，33 | 79．22\％ |
| Sep－13 | 7，947 | 6，75 | 84.98 | 5，135 | 4，201 | 81.8 | 1，228 | 636 | 51.79 | 8，050 | 6，441 | 80．01\％ | 21，132 | 17，395 | 82．32\％ | 22，360 | 18，031 | 80．64\％ |
| Oct－13 | 9，975 | 8，960 | 89．82\％ | 633 | 5，161 | 8．00\％ | 1，645 | 805 | 48．94 | 8，659 | 7，087 | 81．85\％ | 25，16 | 21，20 | 4.27 | 26，81 | 22，01 | 82．10\％ |
| Nov－13 | 7，880 | 6，931 |  |  | 106 | ．76\％ | ，210 | 29 |  | 7，037 | 5，846 | 3．08\％ |  | 6，88 | 1．80 |  | 7，41 |  |
| Dec－13 | 13，189 | 606 | 0．42\％ | 6，335 | ，576 | 2．23\％ | 1，330 | 700 | 52．63 | 2，03 | 5，78 | 8．76\％ | 9，56 | ，963 | 8.27 | 40，891 | 1，6， | 7.4 |
| Jan－1 |  |  | 86.43 |  | ， 374 | 60\％ |  | ， |  |  |  |  |  |  |  |  |  |  |
| Feb－14 | 14，444 | 12，997 | 89.98 | 5.767 | 4，533 | 78．60\％ | ，554 | 259 | 81.02 | 15，405 | 13，96 | ．63\％ | 35，616 | 1，49 | 8．42 | 7，17 | 2，75 | 88．11\％ |
| Mar－14 | 26，1 | 1，802 | 3．49 |  | 127 | ．03\％ | 1850 | 1，536 | 3．03 | 35，271 | 1，936 | ．54 | 68，12 | 58，86 | 8.40 | 69，977 | 0，40 | 6．32\％ |
| Apr－14 | 12，784 | ，082 | 8．86 |  | 5，269 | ．26\％ |  | 1，389 | 3．42 | 1，28 | 8，989 | ．67\％ | 30，63 | 4，34 | ． 46 | 32，29 | 5，72 | 9．66\％ |
| May－12 | 7，876 | 6，96 | 88．42\％ | 269 | 4，696 | 74．91\％ | 1，546 | 1，313 | 84．93\％ | 6，486 | 5，634 | 86．86\％ | 20，631 | 17，29 | 83．83\％ | 22，177 | 18，607 | 83．90\％ |
| Jun |  | 725 | 90．74\％ |  | 4，527 | 69\％ |  | 1，394 | 8．56\％ | ． 361 | 5，637 | 8．62\％ | 20，49 | 17，41 | 4．97 | 22，07 | 8，81 | 5．23\％ |
| Jul－14 | 8，402 | 7，658 | 91.14 | 5，909 | 4，609 | 8．00\％ | 1，602 | 1，434 | 89.51 | 572 | 5，96 | 0.82 | 20，88 | 18，23 | 87.32 | 22，48 | 19，670 | 87．48\％ |
| Aug－14 | 9，013 | 8，472 | 94.00 |  | 630 | 84．61\％ | ，602 | 1，455 | 90．82 | 6，166 | 5，712 | 崖．64\％ | 20，651 | 18，814 | 1．10\％ | 2，25 | 20，26 | 1．08\％ |
| Sep－14 | 8，876 | 8，375 | 94．36 |  | 251 | 87．50\％ | 1，749 | 1，583 | 90.51 | 6，196 | 5，77 | 3．248 | 21，073 | ，40 | 2．08 | 2，822 | 0，986 | 1．96\％ |
| ct－14 | 3，660 | 8，122 | 93．79\％ |  | 5，689 | 9．27\％ | ，765 | 1，630 | 92．35\％ | 6，274 | 5，83 | 93．02\％ | 21，307 | 19，64 | 92．21\％ | 23，072 | 1，27 | 2．22\％ |
| Nov－14 | 12，781 | 2，384 | 96．83\％ |  | 271 |  | 1，591 | 1，445 | 㖪 | 10，68 | 10，371 | 8．04 | 29，974 | 28，02 | 3．50 | 31， | 29，47 | 3．37\％ |
| Dec－14 | 19，4 | 17，581 | 90．27 | 6，301 | 5，280 | 83．80\％ | 1，656 | 1，51 | 91．30\％ | 19，816 | 17，429 | 7．95 | 45，593 | 40，29 | 88.37 | 47，249 | 41，802 | 88．47\％ |
| －15 | 15，251 | 10，775 | 70．65\％ |  | 844 | 33\％ | 1，622 | 1，447 | 89.83 | 14，753 | 8，193 | 55．53\％ | 35，551 | 23，81 | 66.98 | 37，173 | 25，269 | 7．98\％ |
| Feb－15 | 13，634 | 9，335 | 68．47\％ |  | 5，343 | ．66\％ | 1，564 | 1，43 | 91.62 | 15，046 | 8，005 | 53．20\％ | 34，50 | 22，68 | 65.73 | 36，073 | 24，11 | 66．85\％ |
| Mar－15 | 8，426 | 5，532 | 65．65\％ |  | ，568 | ．99\％ | 1，907 | 1，75 | 92.08 | 4，819 | 2，641 | 54．80\％ | 20，4 | 14，74 | 2．04 | 22，3 | 6，497 | 3．75\％ |
| Apr－15 | 11，714 | 0，140 | 86．56\％ |  | 709 | ．02\％ | ，740 | 1，599 | 91.90 |  | 7，327 | 7．90\％ | 26，39 | 23，17 | 8．81 | 28，13 | 24，77 | 8．07\％ |
| May－15 | 9，335 | 214 | 87．99\％ |  | 5，297 | ．43\％ | 1，655 | 1，54 | 93.53 | 5，910 | 5，291 | 9．53 | 20，9 | 18，80 | ．64 | 22，61 | 20，35 | 9．92\％ |
| Jun－15 | 10，85 | 25 | 88．68\％ |  | 915 | ．88\％ | 1876 | 1，754 | 93.50 | 6，973 | 6，35 | 1.05 | 24，267 | 21，89 | ．21 | 6，143 | 3，64 | \％ |
| Jul－15 | 11，90 | 10，794 | 90.66 |  | 5，976 | 89．31\％ | 1，890 | 1，74 | 92.38 | 7，018 | 6，55 | 93．33\％ | 25，6 | 23，32 | 91.048 | 27，5 | 25，0 | 91．13\％ |
| Aug－15 | 13，9 | 13，206 | 94．77\％ |  | 5，438 | 91．84\％ | 1，664 | 1，515 | 91．05\％ | 7，367 | 7，00 | 95．14\％ | 27，2 | 25，653 | 94．23\％ | 28，87 | 27，16 | 4．05\％ |
| Sep－15 | 16，46 | 16，043 | 97．43 |  | 5，313 | ．35\％ |  | 1，451 | 88.96 |  | 8，82 | 97．15 | 31，3 | 30，17 | 5．42\％ | 32，9 | 31，62 | 6．05\％ |
| Oct－15 | 19，16 | 18，576 | 96．95\％ |  | 230 | ．56\％ | ， 87 | 1，650 | 88.24 | 9，474 | 9，208 | 7.19 | 35，5 | 34，01 | 5．57 | 37，4 | 35，6 | 5．21\％ |
| Nov－15 | 20，3 | 9，701 | 97．00\％ |  | 498 | ．48\％ | 1，52 | 1，322 | 86．92\％ | 11，757 | 11，381 | 6．80 | 41，5 | 39，58 | 95.23 | 43，0 | 40，9 | 4．93\％ |
| Dec－15 | 19，60 | 9，045 | 97．15\％ |  | 556 | 89．43\％ |  | 1，553 | 91.46 | 14，5 | 14，225 | 9．87 | 41，4 | 39，82 | 96．04\％ | 43，1 | 41，3 | 5．86\％ |
| Jan－16 | 21，71 | ，191 | 97．57 |  | ，401 | ．09\％ | 1，707 | 1，54 | 90.22 | 15，021 | 14，75 | 8.23 | 43，6 | 42，34 | 7．09 | 45，32 | 3，88 | 6．83\％ |
| Feb－16 | 14，38 | 4，026 | 97．52\％ |  | 5，397 | ．98\％ |  | 1，457 | 91.18 |  | 7，51 | 7．13 | 28，0 | 26，94 | 96.03 |  | 28，3 |  |
| Mar－16 | 15，017 | ，574 | 97．05\％ |  | 6，408 | ．55\％ | 1.82 | 1，661 | 91.01 | 7，974 | 7，728 | 6.91 | 29，8 | 28，710 | 96.21 | 31，6 | 30，37 | 95．91\％ |
| Apr－16 | 13， | 12，753 | 97．28\％ |  | 5，920 | ． 37 | 1，29 | 1，461 | 91.77 | 8，222 | 7，938 | 96.55 | 27，95 | 26，61 | 95.1 | 29，5 | 28，07 | 95.0 |
| May－16 | 12，48 | 12，140 | 97．23\％ |  | 755 | ．45\％ |  | 1，536 | 91．32 | 8，342 | 8，028 | 96．24 | 28，29 | 26，923 | 95.15 | 29，978 | 28，45 | 4．93\％ |
| Jun－16 | 13，09 | 12，731 | 97．21\％ |  | 937 | 5．18\％ | ， | 1，483 | 89.82 | ，942 | 7，64 | 96．31\％ | 28，00 | 26，31 | 93.96 | 29，66 | 27，80 | 93．73\％ |
| Jul－16 | 13，29 | 12，879 | 96．85\％ |  | 60 | 6．33\％ |  | 1，459 | 89.34 |  | 7，182 | 96.14 | 27，26 | 25，67 | 94.15 | 28，8 | 27，12 | 3．88\％ |
| Aug－16 | 15，16 | ，766 | 97．34\％ |  | ，677 | 8．76\％ | 1，69 | 1，537 | 90．52 |  | 7，912 | 96.14 | 30，60 | 28，35 | 92.64 | 32，3 | 29，89 | 2．53 |
| Sep－16 | 14，031 | 3，638 | 97．20\％ |  | 564 | 82．87\％ | 1，602 | 1，453 | 90.70 |  | 8，018 | 96．15\％ | 29，18 | 27，30 | 93.55 | 30，783 | 28，75 | 93．41\％ |
| t－16 |  | ，271 | 7．05\％ |  | 5，606 | ．26\％ |  | 1，400 | ${ }^{88.50}$ | 8，381 | 8，032 | 55．84 | 30，15 | 27，90 | 92.54 | 31，741 | 29，30 | 230\％ |
| Nov－16 | 18， | 7，937 | 97．83\％ | 8，740 | 7，004 | 8．14\％ | 1，58 | 1，427 | 89．92\％ | 12，167 | 11，893 | 97．75\％ | 39，242 | 36，83 | 93.86 | 40，82 | 38，26 | 93.7 |
| Dec－16 | ， | 1，966 | 97．45\％ |  | 6，469 | 9．69\％ |  | 1，29 | $88.99 \%$ | 14，812 | 14，521 | 98．04\％ | 42，39 | 39，95 | 94.25 | 43，84 | 41，24 | 9．08 |
| Jan－17 | 18，8 | 8，400 | 97．48\％ |  | 5，473 | 7．47\％ | 1， | 1，568 | 88.14 | 15，189 | 14，914 | $98.19 \%$ | 41，130 | 38，78 | 94.30 | 42，90 | 40，35 | 4.05 |
| Feb－17 | 12，50 | 12，195 | 97．52\％ |  | 5074 | 2．81\％ | 1，33 | 1，172 | 87.72 | 7，715 | 7，496 | 97．16\％ | 26，34 | 24，765 | 94．00\％ | 27，683 | 25，93 | 3．69 |
| Mar－17 | 13，434 | 12，919 | 96．17\％ |  | ， | ．71\％ | 1，566 | 1，32 | 84.48 |  | 8，165 | 6．60\％ | 28，645 | 26，40 | 2.18 | 30，21 | 27，727 | 1．78\％ |
| Apr－17 | 11，911 | 1，058 | 92．84\％ |  | 4，428 | 8．59\％ | 1，244 | 1，054 | 84.73 | 7，629 | 7，266 | 95．24\％ | 25，174 | 22，752 | 90．38 | 26，41 | 23，80 | 0．11 |
| May－17 | 12，639 | ， | 94．33 |  | 4，546 | 7．34 | 1，308 | 1，097 | 83.87 | 7，489 | 7，122 | $95.10 \%$ | 26，08 | 2， | 90.68 | 27，391 | 24，75 | 0.36 |
| Jun－17 | 11， | 10，409 | 93．38 | 5，460 | 4，090 | 74．91\％ | 1，219 | 1，003 | 82.28 | 7，270 | 6，886 | 94．72\％ | 23，877 | 21，38 | 89.56 | 25，096 | 22，38 | 89.21 |
| Jul－17 | 退 | 8，489 | 91．59\％ |  | 4，179 | 81．61\％ | 1，070 | 866 | 80．933 |  | 6，156 | 94．14\％ | 20，928 | 18，824 | 89.95 | 21，998 | 19，69 | 9．51 |
| Aug－17 | 10，112 | 9，874 | 97．65\％ | 4，958 | 4，231 | 5．34\％ | 1，045 | 820 | 78．47 | 6，201 | 6，066 | 97．82\％ | 21，271 | 20，171 | 94.83 | 22，316 | 20，99 | 94.06 |
| Sep－17 | 8，289 | 8，139 | 98．19\％ |  | 4，248 | ．71\％ | 838 | 772 | 92．12\％ | ，291 | 5，215 | 98．56\％ | 18，315 | 17，602 | $96.11 \%$ | 19，15 | 18，37 | 5.93 |
| Oct－17 | 12，248 | 12，122 | 98．97\％ | 5，744 |  | ．00\％ | 950 | 854 | 89.89 | ，446 | 7，395 | 99．32 | 25，438 | 24，744 | 97．27 | 26，388 | 25，59 | 97．01\％ |
| Nov－17 | 19，424 | 19，254 | 99．12\％ | 6，279 | 5，653 | 9．03\％ | 944 | 331 | 88．03\％ | 15，441 | 15，346 | 99．38\％ | 41，144 | 40，253 | 97．83 | 42，088 | 41，084 | 97.61 |
| Dec－17 | 18，205 | 17，838 | 97．98\％ |  | 3，709 | 85．23\％ | 978 | 858 | 87.3 | 19，516 | 19，330 | 05\％ | 42，073 | 汭 | 7．16\％ | 43，051 |  | 9．94\％ |
| Jan－18 | 11，911 | 11，688 | 98．13\％ | 4，383 | 3，721 | 84.96 | 1，001 | 851 | 85.01 | 8，314 | 8，212 | 98．77\％ | 24，60 | 23，621 | 95．99\％ | 25，609 | 24，472 | 95.5 |
| Feb－ | 9，575 | 9，382 | 97．98\％ | 4，121 | 3，583 | 86．94\％ | 881 | 840 | 95．35\％ | 6，882 | 6，824 | 99．16\％ | 20，5 | 19，7 | 66．1 | 21，4 | 20，629 | 96．13\％ |

Notes：
（2）Beginning in January 2014，the number of timely Long Term Care（LTC）applications includes applications adjudicated within the SOP and those delayed beyond the SOP for excused reasons．
3）Beginning in January 2014，HUSKY A and D numbers include Medicaid denials processed through the DSS／Access Health CT shared system．For February 2018 there are 3625 HUSKY A and 2605 HUSKY D den




[^0]:    ${ }^{1}$ The defendant was only able to respond to the plaintiffs' Motion for Order to Show Cause as there was no accompanying memorandum as required by Local Rule 7(a)(1).
    ${ }^{2}$ As explained in the defendant's Opposition to Plaintiffs' Motion for Order to Show Cause to prove contempt, a moving party must prove, by clear and convincing evidence that: (1) the

[^1]:    ${ }^{3}$ Given the interpretation of the federal courts regarding a district court's "significantly circumscribed" power to enter an order of contempt, it is unclear to the defendant if even an agreement of the parties could confer upon the district court the power to enter a contempt order in the absence of the moving party proving all three elements of contempt by clear and convincing evidence. U.S. v. Local 1804-1, Intern. Longshoremen's Ass'n, AFL-CIO, 44 F.3d 1091, 1096 (2d Cir. 1995).

[^2]:    ${ }^{4}$ This is the "Original Settlement Agreement."

[^3]:    ${ }^{5}$ Most Medicaid applications have a shorter 45 day standard of promptness.

[^4]:    ${ }^{6}$ This report was available on June 15, 2018, after the defendant filed his Opposition to Plaintiffs' Motion for Order to Show Cause.

[^5]:    ${ }^{7}$ These reports will be available August 15, 2018 and September 15, 2018 respectively.

[^6]:    ${ }^{8}$ In fact one is an almost five year old quote from July 2013.

