

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

MARY TROUPE, et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:10-cv-153-HTW-MTP

HALEY BARBOUR, et al.

DEFENDANTS

**DEFENDANTS' RESPONSE IN OPPOSITION TO  
MOTION TO INTERVENE AND VACATE PROTECTIVE ORDER**

Defendants David J. Dzielak, in his official capacity as Director of the Mississippi Division of Medicaid and Diana S. Mikula, in her official capacity as Executive Director of the Mississippi Department of Mental Health (“defendants”) file this Response in Opposition to the *Clarion-Ledger*'s Motion to Intervene and Vacate Protective Order [Docket No. 71] and state:

1. On May 6, 2015, the Court entered an agreed protective order governing the parties' ongoing confidential settlement negotiations in this matter based on the written submissions of plaintiffs and defendants, and after conducting a telephonic conference with counsel. [Order, Docket No. 70].

2. The protective order confirms the parties' ongoing settlement negotiations shall remain confidential consistent with this Court's rules, and specifically preserves the confidentiality of the March 2015 Report regarding Mississippi children's mental health issues prepared by Technical Assistance Collaborative (“TAC”), a third-party neutral engaged to facilitate the settlement negotiations, and other documents exchanged in the negotiations.

3. The *Clarion-Ledger* has failed to demonstrate its intervention, or

setting aside the protective order, is justified. As explained in defendants' separate Memorandum of Authorities submitted to the Court, this Court's rules governing confidentiality of voluntary alternative dispute resolution actions, and the well-established policies supporting them, preclude the newspaper's requested relief. Further, federal authorities directly on point demonstrate the newspaper is not entitled to intervene or have the protective order vacated.

FOR THESE REASONS, and those set forth in their separate Memorandum of Authorities submitted to the Court, defendants respectfully request that the Court enter a order denying the *Clarion-Ledger's* Motion to Intervene and Vacate Protective Order [Docket No. 71].

THIS the 8<sup>th</sup> day of July, 2015.

Respectfully submitted,

DAVID J. DZIELAK in his official capacity as  
Director of the Mississippi Division of Medicaid,  
and DIANA S. MIKULA, in her official capacity as  
Executive Director of the Mississippi Department  
of Mental Health

S/Harold E. Pizzetta, III  
Harold E. Pizzetta, III (Bar No. 99867)  
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**CERTIFICATE OF SERVICE**

I, Harold E. Pizzetta, III, Assistant Attorney General for the State of Mississippi, do hereby certify that on this date, I electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

THIS the 8<sup>th</sup> day of July, 2015.

/s Harold E. Pizzetta, III  
Harold E. Pizzetta, III