UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER PEDERSON, et al., Plaintiffs, v. COUNTY OF PLUMAS, et al., Defendants.	No. 2:89-cv-1659 CSK P ORDER

At the July 30, 2025 status conference, the Court ordered the parties to address the following issues for the October 28, 2025 status conference and accompanying status report: (1) In response to concerns Plaintiffs raised regarding compliance with the Consent Decree as to outdoor exercise, Defendant County of Plumas was required to address the alternative proposal discussed to fence off an area inside the perimeter of the jail grounds for an outside exercise area using a slotted fence approximately 15 feet high for security purposes and without changing the existing perimeter fence; (2) the status of making the language in the Custody Manual consistent with the Inmate Handbook regarding grievance procedures; and (3) the parties were to provide a proposed timeline for termination of the Consent Decree.

On October 28, 2025, the Court held a status conference regarding the status of the Consent Decree in place in this action, including compliance and a proposed timeline for termination of the Consent Decree. (ECF No. 184.) Plaintiffs' counsel Paul Comiskey and David

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Washington, and defense counsel Joshua Brechtel were present.

Outdoor Exercise. The Consent Decree requires: "All inmates shall be provided with access to exercise at least one hour per day five days per week. Prisoners shall be provided access to indoor exercise during inclement weather. Outdoor exercise shall be provided when weather permits." Consent Decree ¶ IV.A.6.

In the parties' October 3, 2025 joint status report, Defendants unfortunately did not address the alternative proposal for outdoor exercise as required and ordered in the July 30, 2025 status conference. Instead, Defendants addressed a gardening center program, which does not provide outdoor exercise. (ECF No. 183 at 1.) At the status conference, the Court and parties discussed the outdoor exercise issue.

Grievance Procedure Language. At the status conference, Defendants provided an update regarding efforts to make the language in the Custody Manual consistent with the Inmate Handbook regarding grievance procedures. No further updates are needed as to this issue.

Termination of Consent Decree. Though Defendants have proposed a December 31, 2025 termination of the Consent Decree (ECF No. 183 at 2-3), the Court informed the parties at the status conference that this timeline may not be possible if progress is not made to resolve the outdoor exercise issue raised by Plaintiffs.

The parties have worked together cooperatively and professionally over the years, and made significant progress. **At this time, the only remaining issue for resolution to terminate the Consent Decree is outdoor exercise.** The Court strongly encourages the parties to explore possible resolution of Plaintiffs' concerns regarding outdoor exercise to avoid potential costly motion practice that could further delay termination of the Consent Decree and result in the County's funds being used on litigation expenses rather than addressing the sole remaining issue for the Consent Decree.

ORDER

In conclusion, the Court **ORDERS** as follows:

1. The Court granted Plaintiffs' counsel's request for Mr. Comiskey to meet with inmates at the Plumas County Jail either in-person or by Zoom within the next few weeks to

discuss outdoor exercise, including potential ideas for resolution of the outdoor exercise issue raised. Defense counsel will assist with scheduling/ facilitating Mr. Comiskey's meeting. Plaintiffs will provide an update as to counsel's meeting with inmates and potential ideas for resolution of the outdoor exercise issue in the next joint status report ordered.

2. Defendants are ordered to engage in a fulsome internal discussion of the alternative proposal for outdoor exercise addressed above, provide an update to the Court as to its consideration of this alternative proposal in the next joint status report ordered, and be prepared to discuss the alternative proposal at the next status conference.
3. The parties are ordered to file a joint status report on or before Friday, November 21, 2025, addressing (a) the remaining outdoor exercise issue as outlined above; and (b) a proposed timeline for termination of the Consent Decree, including whether the proposed timeline will require continuing the contract with Plaintiffs' counsel.
4. A status conference will be conducted via Zoom on Thursday, December 4, 2025 at 11:00 AM.

It is so ordered.

Dated: October 29, 2025

CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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