

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE KIMBERLY J. MUELLER

RALPH COLEMAN, et al.,

No. 2:90-cv-0520 KJM DB P

Plaintiffs,

v.

MINUTES

GAVIN NEWSOM, et al.,

Date: October 23, 2020

Defendants.

Deputy Clerk: C. Schultz

Court Reporter: Jennifer Coulthard

/

Counsel for Plaintiffs:

Michael Bien

Lisa Ells

Ernest Galvan

Thomas Nolan

Jessica Winter

Amy Xu

Counsel for Defendants:

Kyle Lewis

Elise Thorn

Lucas Hennes

Monica Anderson

Adriano Hrvatin

Namrata Kotwani

EVIDENTIARY HEARING (Day 1):

9:20 a.m. All parties present as listed above. The court and counsel discussed preliminary matters. The court confirmed receipt of the parties' stipulation regarding Authenticity, ECF No. 6919. The court clarified that it will keep an electronic copy of the exhibits from the hearing today until it resolves this matter, then the exhibits will be destroyed. The court GRANTED Plaintiffs' Motion to Exclude Witnesses. The court clarified that they may communicate with witnesses on breaks, but not during the proceedings nor during a witness's testimony.

9:35 a.m. The court heard oral argument from Ms. Ells and Ms. Thorn as to Defendants' *Motion in Limine to Exclude the Testimony of Plaintiffs' Experts Adam Scott Lauring, M.D., Ph.D, and Pablo Stewart, M.D.* at the October 23, 2020 Evidentiary Hearing on Transfers to Inpatient Care, ECF 6922. After careful considerations of the parties' arguments and for the reasons as stated on the record, the court *DEFERRED* a ruling.

9:50 a.m. Mr. Lewis presented Defendants' opening statements.

10:00 a.m. Ms. Ells presented Plaintiffs' opening statements.

10:10 a.m. Defendants' witness, Dr. Katherine Warburton, Ph.D, sworn and testified on direct. (Examination conducted by Mr. Hennes.)

10:50 a.m. Ms. Ells began cross examination of Dr. Warburton.

11:27 a.m. All parties and witness excused for a morning break.

11:37 a.m. Court back in session. All parties and defense witness, Dr. Katherine Warburton, Ph.D, present. Ms. Ells confirmed she was finished with her cross examination. Mr. Hennes began redirect examination of Dr. Warburton.

11:40 a.m. Ms. Ells began recross examination of Dr. Warburton.

11:45 a.m. Witness excused subject to recall. Defendants' witness, Dr. Amar Mehta, Ph.D, sworn and testified on direct. (Examination conducted by Mr. Lewis.)

12:00 p.m. All parties excused for a lunch break.

12:45 p.m. Court back in session. All parties present as noted above. The court and counsel discussed housekeeping matters.

12:50 p.m. Defense witness, Dr. Mehata, present. Mr. Lewis continued his direct examination of Dr. Mehta.

1:15 p.m. Ms. Winter began cross examination of Dr. Mehta.

1:55 p.m. Mr. Lewis began redirect examination of Dr. Mehta.

1:58 p.m. Ms. Winter began recross examination of Dr. Mehta.

2:00 p.m. Mr. Lewis began re-redirect examination of Dr. Mehta.

2:02 p.m. Witness excused subject to recall. Defendants' witness, Dr. Joseph Bick, sworn and testified on direct. (Examination conducted by Mr. Lewis.)

2:15 p.m. All parties and witness excused for an afternoon break.

2:25 p.m. Court back in session. All parties and defense witness, Dr. Bick, present. Mr. Lewis continued direct examination of Dr. Bick.

2:35 p.m. Mr. Galvan began cross examination of Dr. Bick.

3:28 p.m. Mr. Lewis began redirect examination of Dr. Bick.

3:30 p.m. Witness excused subject to recall. Mr. Lewis advised the court they had no additional witnesses to call at this time. At Defendants' request, the court took a short break.

3:40 p.m. Court back in session. All parties present. Mr. Lewis confirmed Defendants' case-in-chief has been presented.

3:42 p.m. The court heard further oral argument from Ms. Ells and Ms. Thorn as to Defendants' *Motion in Limine to Exclude the Testimony of Plaintiffs' Experts Adam Scott Lauring, M.D., Ph.D, and Pablo Stewart, M.D.* at the October 23, 2020 Evidentiary Hearing on Transfers to Inpatient Care, ECF 6922. After careful considerations of the parties' additional arguments and for the reasons as stated on the record, the court DENIED the motion as to both witnesses.

3:45 p.m. Plaintiffs' witness, Dr. Adam Lauring, M.D., Ph.D, sworn and testified on direct. (Examination conducted by Ms. Ells.)

4:20 p.m. Ms. Thorn began cross examination of Dr. Lauring.

4:59 p.m. Ms. Ells began redirect examination of Dr. Lauring.

5:00 p.m. Witness excused. The court and counsel discussed scheduling.

5:02 p.m. All parties excused for an evening break.

5:12 p.m. Court back in session. All parties present. The court and counsel discussed a housekeeping matter.

5:15 p.m. Plaintiffs' witness, Dr. Pablo Stewart, M.D., sworn and testified on direct. (Examination conducted by Mr. Nolan.)

5:45 p.m. Ms. Thorn began cross examination of Dr. Stewart.

5:57 p.m. Mr. Nolan advised the court that Plaintiffs have no further questions for Dr. Stewart. Ms. Ells advised the court that Plaintiffs did not intend to call anymore witnesses; however, Plaintiffs did wish to move for the admission of several documents. After discussion with the parties, the court directed the parties meet and confer regarding the additional documents. The parties may brief any objections related to those documents.

6:05 p.m. Defendants' witness, Dr. Joseph Bick, recalled to provide rebuttal testimony. (Examination conducted by Mr. Lewis.)

6:10 p.m. Witness excused. Defendant's witness, Dr. Katherine Warburton, Ph.D, recalled to provide rebuttal testimony. (Examination conducted by Mr. Hennes.)

6:20 p.m. Witness excused. Defendant's witness, Dr. Amar Mehta, Ph.D, recalled to provide rebuttal testimony. (Examination conducted by Mr. Lewis.)

6:22 p.m. Witness excused. Mr. Galvan advised the court that he had a question for Dr. Mehta. Because Dr. Mehta had already been excused from the virtual courtroom, the court and counsel discussed housekeeping matters.

6:23 p.m. Dr. Mehta returned to the virtual courtroom. Mr. Galvan conducted cross rebuttal examination of Dr. Mehta.

6:24 p.m. Witness excused. The court and counsel discussed housekeeping matters. The court granted the parties seven (7) days to finalize their exhibit lists. The court directed the parties meet and confer regarding closing briefs, and noted that closing briefs would be limited to twenty (20) pages.

6:30 p.m. Court adjourned.

EXHIBITS ADMITTED:

P-22; P-56; P-95; P-97; P-99; P-100; P-101; P-103; P-107; D-9;
D-10; D-12; D-15; D-22; D-32; and D-43

TIME IN COURT: 7 Hour, 50 Minutes

*These proceedings were held via videoconferencing using the Zoom application.