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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 RALPH COLEMAN, et al.,  
12 Plaintiffs,  
13 v.  
14 GAVIN NEWSOM, et al.,  
15 Defendants

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

## ORDER

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18                   The court convened a videoconference hearing in this matter on January 29, 2021  
19 at 10:00 a.m. *See* ECF No. 7043. Good cause appearing, the court now confirms the agenda for  
20 the next videoconference hearing and the date for that hearing. The matter is set for further  
21 videoconference on March 25, 2021 at 10:00 a.m. The videoconference will be focused on the  
22 matters discussed below.

## I. CONTINUOUS QUALITY IMPROVEMENT TOOL (COIT)

24 As required by the court’s December 17, 2020 order, ECF No. 6996, the court  
25 expects defendants will file on or about March 17, 2021 an updated list of key indicators for  
26 CQIT. *See* December 17, 2020 Order, ECF No. 6996, at 11. The parties shall be prepared to  
27 address whether the list filed by defendants may be confirmed by the court as a comprehensive  
28 list of the material provisions of the Program Guide and the Compendium of Custody Related

1 Remedial Measures (hereafter Compendium). *See id.* at 6-8. In addition, the court will address  
2 with the Special Master whether he intends to file additional findings and recommendations  
3 concerning compliance rates for key indicators, *see id.* at 11, and, if he does, set a schedule for  
4 that filing. Finally, the parties and the Special Master shall be prepared to address next steps in  
5 the roll-out of CQIT following confirmation of the comprehensive list of material key indicators.

6 **II. RETURN TO PROGRAM GUIDE COMPLIANCE**

7 By the time of the March 25, 2021 hearing, more than one year will have passed  
8 since the onset of the COVID-19 pandemic. Defendants shall be prepared to address their  
9 forecast for return to full Program Guide compliance, taking into account current vaccination and  
10 public health information. Secretary Allison shall be prepared to address the role of public health  
11 benchmarks in guiding defendants' return to Program Guide Compliance. Unless authority to  
12 speak for the Department of State Hospitals (DSH) is fully delegated to Secretary Allison for this  
13 purpose, the DSH Director shall also be prepared to address the role of public health benchmarks  
14 in guiding return to full admissions to the DSH *Coleman* programs. In addition, not later than  
15 seven days before hearing defendants shall identify in a filing with the court the person or persons  
16 most knowledgeable of the steps required to forecast, plan for, and implement the return to full  
17 Program Guide Compliance, and shall take all steps necessary to ensure the attendance of the  
18 person or persons at the videoconference set for March 25, 2021.

19 **III. RETURN TO ON-SITE COMPLIANCE MONITORING**

20 The Special Master shall be prepared to address his schedule and planning for a  
21 return to on-site monitoring as well as commencement of the unmet bed needs study the court is  
22 prepared to order.

23 **IV. STAFFING**

24 The DSH defendants and the California Department of Corrections and  
25 Rehabilitation (CDCR) are under long-standing orders to develop staffing plans for mental health  
26 inpatient programs provided to class members. *See, e.g.*, March 8, 2017 Order, ECF No. 5573, at  
27 3. The DSH defendants shall file their proposed inpatient staffing plan not later than March 11,  
28 2021, and the CDCR defendants shall file their proposed inpatient staffing plan not later than

1 March 22, 2021. Secretary Allison and Director Clendenin or their designees shall be prepared at  
2 the March 25 hearing to address the steps necessary for full implementation of their respective  
3 staffing plans.

4 IT IS SO ORDERED.

5 DATED: February 18, 2021.

6   
7 Yvonne Gillepsie  
8 CHIEF UNITED STATES DISTRICT JUDGE

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