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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RALPH COLEMAN, et al.,

12 Plaintiffs,

13 v.

14 GAVIN NEWSOM, et al.,

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

ORDER

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18 The parties have filed a stipulation and proposed order for approval of defendants' plan
19 regarding use of Therapeutic Treatment Modules (TTMs) to deliver mental health care to class
20 members on Maximum custody ("Max custody) in Psychiatric Inpatient Programs (PIPs). ECF
21 No. 7366. The stipulation represents an agreement of the parties reached during three days of
22 settlement negotiations supervised by Magistrate Judge Kendall Newman. *Id.* at 1. The Special
23 Master also was present for the settlement discussions. *Id.*

24 The parties are directed to show cause in writing why the court should not enter an order:

25 (1) approving Section I of the stipulation, entitled Defendants' Plan;

26 (2) modifying Section II of the stipulation, entitled Enforcement, to set a deadline of one
27 year from court approval of Defendants' Plan for resolution of any and all issues "related to
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1 enforcement or interpretation of the commitments” set out in the stipulation as approved by the
2 court, and, so modified, approving Section II; and

3 (3) declining to approve Section III of the stipulation for one or more of the following
4 reasons:

5 a. Section III covers an ongoing dispute concerning whether use of TTMs violates
6 the Eighth Amendment; and

7 b. Section III contains an agreement that Defendants’ Plan will not be included in
8 either the Mental Health Services Delivery System (MHSDS) Program Guide or the
9 Compendium and thus appears to implicate the question of what updating process the court will
10 adopt for the Program Guide in the future, a matter not yet resolved.

11 In accordance with the above, IT IS HEREBY ORDERED that within fourteen days the
12 parties shall file the responses called for by this order, which may be in the form of a joint
13 statement if the parties wish to respond in that manner.

14 DATED: November 5, 2021.

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17 CHIEF UNITED STATES DISTRICT JUDGE
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