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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RALPH COLEMAN, et al.,

11 Plaintiffs,

No. CIV S-90-0520 LKK JFM P

12 vs.

13 ARNOLD SCHWARZENEGGER,  
14 et al.,

15 Defendants.

ORDER

16 By order filed June 28, 2007, defendants were directed to file within thirty days a  
17 plan for making available up to 125 intermediate care beds for Coleman class members referred  
18 to Atascadero State Hospital (ASH), said plan to include staffing and a date certain for its  
19 implementation not later than sixty days from the date of the June 28, 2007 order. Defendants  
20 were directed to include with their report the name and job description of the person having  
21 immediate responsibility for insuring compliance with the court's order.

22 On July 27, 2007, defendants timely filed their plan.<sup>1</sup> The plan provides that the  
23 census of Coleman class members in intermediate care beds at ASH "can" be raised from the  
24 current population of 58 to 125 class members by December 14, 2007, based on a rate of

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26 <sup>1</sup> Defendants have also provided the name and job descriptions of the people who are  
responsible for insuring compliance with the June 28, 2007 order.


admission of four inmates per week. (Ex. 1 to Defendants' Response to Court Order Re: Plan to Activate 125 Beds at Atascadero State Hospital, filed July 27, 2007, at ¶ 1c.)

Defendants' plan appears to take seriously the finding in this court's June 28, 2007 order that the declining Coleman population at ASH was unacceptable. (Order, filed June 28, 2007, at 2-3.) The plan does contain a number of caveats. Given the urgent need for intermediate care beds for Coleman class members, the court will require defendants to provide an interim report to the court on the status of ASH admissions for Coleman class members under the plan. The report, which shall be filed on or before October 12, 2007, shall include the following:

- the total number of Coleman class members in need of intermediate inpatient care reviewed for admission to ASH during the eight-week period from August 6, 2007 through September 28, 2007;
- the number of Coleman class members admitted to ASH during that eight-week period;
- the total Coleman population at ASH as of September 28, 2007; and
- if any Coleman class members were denied admission to ASH during the period from August 6, 2007 through September 28, 2007, the reason(s) for such denial.

IT IS SO ORDERED.

DATED: August 2, 2007.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT