

IN THE UNITED STATES DISTRICT COURTS  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
AND THE NORTHERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs, No. CIV S-90-0520 LKK JFM P (E.D.Cal.)

vs.

ARNOLD SCHWARZENEGGER,  
et al.,

Defendants.

MARCIANO PLATA, et al.,

Plaintiffs, No. C 01-1351 TEH (N.D.Cal.)

vs.

ARNOLD SCHWARZENEGGER,  
et al.,

Defendants.

CARLOS PEREZ, et al.,

Plaintiffs, No. C 05-05241 JSW (N.D.Cal.)

vs.

JAMES TILTON, et al.,

Defendants.

1 JOHN ARMSTRONG, et al.,

2 Plaintiffs, No. C 94-2307 CW (N.D.Cal.)

3 v.

4 ARNOLD SCHWARZENEGGER, ORDER TO SHOW CAUSE  
5 et al.,

6 Defendants.  
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8 The Receiver in Plata, the Special Master in Coleman, and the Court  
9 Representatives in Perez and Armstrong have presented to the judges in the above-captioned  
10 cases an agreement that they have reached during the coordination meetings that they have held  
11 to date. The agreement, which is attached to this order, is presented to the undersigned for  
review and approval.

12 Good cause appearing, IT IS HEREBY ORDERED that the parties in the above-  
13 captioned cases are granted until November 26, 2007 to show cause why the attached agreement  
14 should not be adopted as an order of the court. Any response to this order to show cause shall be  
15 filed in each of the above-captioned cases and served on all of the parties to all of the cases and  
16 on the Receiver, the Special Master, and the Court Representatives. Thereafter, the request for

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1 approval of the agreement will be taken under submission for individual and joint consideration  
2 by the undersigned.

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4 DATED: 11/13/07



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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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THELTON E. HENDERSON  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF CALIFORNIA

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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF CALIFORNIA

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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF CALIFORNIA

## 1 CONSTRUCTION

2 The Receiver in *Plata* has begun to implement three separate but related construction projects:

- 3 A. The construction of a medical center at San Quentin State Prison;
- 4 B. The addition of needed temporary and permanent clinical, office, supply, and record
- 5 space at existing California Department of Corrections and Rehabilitation (CDCR) adult
- 6 prisons; and
- 7 C. The construction of approximately 5,000 additional CDCR medical beds and
- 8 approximately 5,000 CDCR mental health beds.<sup>1</sup>

9 The Office of the Receiver will assume leadership responsibility for each of the above referenced

10 projects.

11 1. San Quentin Medical Center. The *Plata* receivership is the project lead for the San Quentin

12 construction. The Medical Center, which has already been designed and for which construction has

13 commenced, will provide additional reception, clinical, treatment, and office space for CDCR

14 medical, mental health, and dental personnel. Medical Center facilities will be ADA compliant.

15 Court representatives from *Perez* and *Coleman* as well as CDCR mental health and dental officials

16 have been active participants in the design stage for this construction. The State has determined that

17 funding for the San Quentin Medical Center will be provided through Assembly Bill (AB) 900

18 funds.

19 2. Additional temporary and permanent clinical, office, supply, and record space at CDCR prisons.

20 The *Plata* receivership is the project lead for the additional medical construction projects at existing

21 CDCR institutions. The Receiver is in the process of implementing his initial prison upgrade project

22 at Avenal State Prison. Court representatives from *Coleman* and *Perez* have participated in this

23 initial effort. The upgrades anticipated will be primarily medical; however the upgrades will

24 conform to *Armstrong* requirements and will consider, when possible, some of the additional space

25 needs of the CDCR mental health and dental programs. In this regard, the Court representatives in

26 *Armstrong*, *Coleman*, and *Perez* agree to work with the Receiver by exploring with CDCR and their

respective courts ways to effectuate the funding necessary for their specific programs in a timely and

effective manner. This project will *not* involve the construction of the additional dental facilities

necessary to effectuate the *Perez* roll-outs.

1. The construction of approximately 5,000 additional CDCR medical beds and approximately

5,000 CDCR mental health beds. The *Plata* receivership is the project lead for the 5,000/10,000 bed

construction project. URS Corporation, Bovis Lend Lease, Brookwood Program Management, Lee

Burkhard Liu, and Robert Glass & Associates will serve as the Receiver's Project Coordinator for

5,000/10,000 bed construction. The initial planning for design, site selection, and patient

demographics will commence during August 2007.

Based on an initial review of the patient demographics by the Abt study, the Receiver anticipates

that the majority of medical beds constructed will not be licensed. Given the significant need to

<sup>1</sup> The actual number of medical and mental health beds to be constructed by the

Receiver will depend upon site selection, contingency issues, determinations concerning

what year to build out to, as well as possible coordination of construction with CDCR's

AB 900 building projects.

1 coordinate the long-term treatment and care of mentally ill patients who also have serious medical  
2 problems, there exist both strong patient care and fiscal incentives to plan, design, and construct  
3 health care facilities that will effectuate coordinated medical and mental health treatment.  
4 Therefore, participation by *Coleman* representatives in this construction program is imperative.  
5 Likewise, the special needs of disabled and elderly prisoner/patients, who represent a significant  
6 number of patients who require improved housing, warrant participation by an expert in accessibility  
7 for persons with disabilities. The Court expert in *Armstrong* and the Receiver in *Plata* mutually  
8 selected such an expert who will be added to the program and who will communicate with both the  
9 *Armstrong* court expert and the Receiver about his recommendations. The new facilities will be  
10 designed and built to be in full compliance with applicable ADA requirements for both staff and  
inmates, including applicable accessibility provisions of the ADA Accessibility Guidelines, the  
Uniform Federal Accessibility Standards, and California Code of Regulations, Title 24, Part 2,  
California Building Code (CBC). The Receiver also intends to construct adequate dental clinics and  
other necessary dental program space in order to provide Perez standards of care for the  
prisoner/patients housed in the 5,000/10,000 bed facilities. Therefore, participation by a *Perez*  
representative will be necessary to coordinate dental construction design and planning. In this  
regard, the Court representatives in *Armstrong*, *Coleman*, and *Perez* agree to work with the Receiver  
by exploring with CDCR and their respective courts ways to effectuate the funding necessary for  
their specific programs in a timely and effective manner.

11 This project will *not* involve the construction of the additional dental facilities necessary to  
effectuate the *Perez* roll-outs.

12 The State has determined that funding for an 8,000-beds construction project will be provided  
13 through AB 900 funds. The *Coleman* Special Master and the *Plata* Receiver have indicated that  
up to 10,000 beds may be necessary. Whether the projected funding is adequate for the  
14 necessary construction will be determined by the Receiver after site selection issues,  
coordination issues, and design issues are resolved.

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