

PRISON LAW OFFICE
DONALD SPECTER Bar No.: 83925
STEVEN FAMA Bar No.: 99641
KEITH WATTLEY Bar No.: 203366
General Delivery
San Quentin, California 94964
Telephone (415) 457-9144

BINGHAM, McCUTCHEN, LLP
WARREN E. GEORGE Bar No.: 53588
Three Embarcadero Center
San Francisco, California 94111
Telephone (415) 393-2000

ROSEN, BIEN & ASARO, LLP
MICHAEL W. BIEN Bar No.: 096891
JANE E. KAHN Bar No.: 112239
THOMAS NOLAN Bar No.: 169692
155 Montgomery Street, 8th Floor
San Francisco, California 94104
Telephone (415) 433-6830

HELLER, EHRLICH, WHITE & McAULIFFE
RICHARD L. GOFF Bar No.: 36377
701 Fifth Avenue
Seattle, Washington 98104
Telephone (206) 447-0900

THE LEGAL AID SOCIETY-EMPLOYMENT LAW CENTER
CLAUDIA CENTER Bar No.: 158255
LEWIS BOSSING Bar No.: 227402
600 Harrison Street, Suite 120
San Francisco, CA 94107
Telephone: (415) 864-8848

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN,
Plaintiffs,
vs.
ARNOLD SCHWARZENEGGER, et al.,
Defendants

) No.: Civ S 90-0520 LKK-JFM
)
) **SECOND STIPULATION AND ORDER**
) **RE: BRIEFING SCHEDULE AND**
) **HEARING RE: PLAINTIFFS' NOTICE**
) **OF DEFENDANTS' FAILURE TO**
) **COMPLY WITH THE JUNE 9, 2005**
) **COURT ORDER, PARAGRAPHS 2 AND**
) **5, RE: SUICIDE PREVENTION**
) **POLICIES**

1 THE PARTIES, BY AND THROUGH THEIR COUNSEL, STIPULATE AS
2 FOLLOWS:

3 The parties respectfully request that the Court postpone the hearing, now set for
4 October 27, 2005, for approximately sixty (60) days, and modify the briefing schedule
5 concerning Plaintiffs' Notice of Defendants' Failure to Comply with the June 9, 2005 Court
6 Order, Paragraphs 2 and 5, Re: Suicide Prevention Policies, as set forth below.

7 1. On August 26, 2005, Plaintiffs' Notice of Defendants' Failure to Comply with the
8 June 9, 2005 Court Order, Paragraphs 2 and 5, Re: Suicide Prevention Policies was filed.

9 2. On September 12, 2005, the Court set the matter for hearing on October 14,
10 2005, and set a briefing schedule.

11 3. On September 20, 2005, the Court, after consultation with the Special Master,
12 issued an Order continuing the hearing to October 27, 2005, at 10:00 a.m.

13 4. On September 26, 2005, the Court ordered that plaintiffs' reply be filed no later
14 than September 30, 2005. Plaintiffs filed their reply papers on September 30, 2005.

15 5. The parties have been in weekly negotiation concerning defendants' compliance
16 with the June 9, 2005 Order and have also been consulting with the Special Master. In
17 response to concerns raised by plaintiffs and the Special Master, Defendants have agreed to
18 make various changes to their policy. Distribution of the revised policy and training on the
19 revised policy on a systemwide basis will require additional time. To facilitate this process,
20 the parties, with the approval of the Special Master, jointly request that the Court postpone the
21 hearing, now set for October 27, 2005, for a minimum of sixty (60) days.

22 6. No later than ten (10) days before the new date set by this Court for the hearing
23 on this matter, Defendants shall file declarations establishing that they have completed the
24 necessary steps to assure that the revised policy has been distributed and training on the revised
25 policy on a systemwide basis has occurred.

26 ///

27 ///

28 ///

1 **IT IS SO STIPULATED.**

2 Dated: October __, 2005

3 BILL LOCKYER Attorney General
4 of the State of California
5 JAMES M. HUMES Chief Assistant Attorney
6 General
7 FRANCES T. GRUNDER Senior Assistant
8 Attorney General
9 STEPHEN P. AQUISTO Supervising Deputy
10 Attorney General

11 By/signature on original
12 LISA A. TILLMAN
13 Deputy Attorney General,
14 Attorneys for Defendants

15 Dated: October __, 2005

16 ROSEN, BIEN & ASARO, LLP

17 By/signature on original
18 THOMAS NOLAN
19 Attorneys for Plaintiffs

20 Good cause appearing, IT IS HEREBY ORDERED that:

21 1. The Hearing on Plaintiffs' Notice of Defendants' Failure to Comply with the June
22 9, 2005 Court Order, Paragraphs 2 and 5, Re: Suicide Prevention Policies, presently set for
23 October 27, 2005 is continued to January 5, 2006 at 10:00 a.m.

24 2. No later than December 22, 2005, Defendants shall file declarations establishing
25 that they have completed the necessary steps to assure that the revised policy has been
26 distributed and training on the revised policy on a systemwide basis has occurred.

27 Dated: October 25, 2005.

28 /s/Lawrence K. Karlton
29 LAWRENCE K. KARLTON
30 SENIOR JUDGE
31 UNITED STATES DISTRICT COURT