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19 Attorneys for Plaintiffs

20 UNITED STATES DISTRICT COURT
21 EASTERN DISTRICT OF CALIFORNIA

22 RALPH COLEMAN,) No.: Civ S 90-0520 LKK-JFM
23)
Plaintiffs,) **THIRD STIPULATION AND ORDER**
24) **RE: BRIEFING SCHEDULE AND**
vs.) **HEARING RE: PLAINTIFFS' NOTICE**
25) **OF DEFENDANTS' FAILURE TO**
ARNOLD SCHWARZENEGGER, et al.,) **COMPLY WITH THE JUNE 9, 2005**
26) **COURT ORDER, PARAGRAPHS 2 AND**
Defendants) **5, RE: SUICIDE PREVENTION**
27) **POLICIES**
28

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 January
4 5, 2006, for approximately forty (40) days, and modify the briefing schedule concerning
5 Plaintiffs' Notice of Defendants' Failure to Comply with the June 9, 2005 Court Order,
6 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
8 the 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. On October 25, 2005, the Court extended the hearing until January 5, 2006.

16 6. The parties have been participating in ongoing negotiations concerning
17 defendants' compliance with the June 9, 2005 Order and have also been consulting with the
18 Special Master. In response to concerns raised by plaintiffs and the Special Master, defendants
19 have agreed to submit additional declarations on or before January 31, 2006, which will
20 include a declaration from the warden of each CDCR prison attesting to the following:

- 21 • A. That the institution has trained all of its designated correctional officers who are
22 available for training (i.e., who are not on medical, family, disability, military or other
23 leave) in the October 21, 2005 amended CPR policy, in the use of the CPR mouth
24 shield, and in the performance of CPR;
- 25 • B. That the institution has implemented a written procedure for replacing CPR
26 mouth shields that have been used or that have been lost;
- 27 • C. That the institution has taken an inventory of the cut-down kits in the institution
28 and determined that there is a cut-down kit in every housing unit. If the warden

delegates the inventory to a member of his or her staff, his or her declaration (1) shall identify the name of the person(s) who performed the inventory, (2) and the date(s) of the inventory, and (3) shall indicate that he or she has personally reviewed and approved the inventory results;

- D. That as part of the inventory of cut-down kits, the institution has determined that CPR mouth shields and blood-born pathogen protection equipment are available as part of every cut-down kit.
- E. To facilitate the process of obtaining these additional declarations, the parties, with the approval of the Special Master, jointly request that the Court postpone the hearing, now set for January 5, 2005, for a minimum of forty (40) days.

7. Plaintiffs may file a reply to the declarations no later than February 6, 2006.

IT IS SO STIPULATED.

Dated: January __, 2006

BILL LOCKYER Attorney General
of the State of California
JAMES M. HUMES Chief Assistant Attorney
General
FRANCES T. GRUNDER Senior Assistant
Attorney General
ROCHELLE EAST, Supervising Deputy
Attorney General

/signature on original
LISA A. TILLMAN
Deputy Attorney General,
Attorneys for Defendants

Dated: January __, 2006

ROSEN, BIEN & ASARO, LLP

/signature on original
THOMAS B. NOLAN
Attorneys for Plaintiffs

Good cause appearing, IT IS HEREBY ORDERED that:

1 1. The Hearing on Plaintiffs' Notice of Defendants' Failure to Comply with the
2 June 9, 2005 Court Order, Paragraphs 2 and 5, Re: Suicide Prevention Policies, previously set
3 for October 27, 2005 and January 5, 2006 is continued to February 15, 2006, at 1:30 p.m.
4

5 2. Defendants shall file a declaration from the Warden of each CDCR institution
6 establishing the elements set forth in ¶ 6 above to assure that the revised CPR policy has been
7 fully implemented and that they have complied with the Court's June 9, 2005 Order no later
8 January 31, 2006. Plaintiffs may file a reply to the declarations no later than February 6, 2006.

9 Dated: January 4, 2006

10 /s/Lawrence K. Karlton
11 LAWRENCE K. KARLTON
12 SENIOR JUDGE
13 UNITED STATES DISTRICT COURT
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vs.)	HEARING RE: PLAINTIFFS' NOTICE
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Dated: January __, 2006

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Attorney General
ROCHELLE EAST, Supervising Deputy
Attorney General

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LISA A. TILLMAN
Deputy Attorney General,
Attorneys for Defendants

Dated: January __, 2006

ROSEN, BIEN & ASARO, LLP

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THOMAS B. NOLAN
Attorneys for Plaintiffs

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