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

RALPH COLEMAN, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

**CASE NO. CIV S-90-0520 LKK
JFM P**

**FOURTH STIPULATION
AND ORDER RE:
FEBRUARY 15, 2006
HEARING ON PLAINTIFFS'
NOTICE OF DEFENDANTS'
FAILURE TO COMPLY
WITH JUNE 9, 2005 COURT
ORDER RE: CPR POLICY**

Hearing: February 15, 2006
Time: 1:30 p.m.
Courtroom: Four
Judge: The Honorable
Lawrence K. Karlton

STIPULATION

The parties, by and through their counsel, stipulate as follows:

1. On August 26, 2005, Plaintiffs filed a Notice of Defendants' Failure to Comply with the June 9, 2005 Court Order, Paragraphs 2 and 5, Re: CPR Policy. The parties have engaged in negotiations concerning compliance with this Court's order of June 9, 2005, to

1 develop and implement a policy mandating the performance of cardiopulmonary resuscitation
2 (CPR) by correctional officers, regardless of their duty statement.

3 2. On January 4, 2006, this Court entered an order providing for additional briefing
4 on compliance with the June 9, 2005 order, with defendants to submit declarations from wardens
5 system-wide concerning compliance efforts by January 31, 2006. Further, this Court scheduled a
6 hearing on the matter for February 15, 2006 at 1:30 p.m.

7 3. Upon reviewing the submitted declarations of the wardens, the parties agree to
8 request the court monitors, during the seventeenth round of monitoring, to:

9 a. Review the inventories of cut-down kits in every institution with the staff who
10 prepared them to confirm that cut-down kits, with the appropriate equipment, are available in all
11 housing units and/or, where appropriate, check for the presence of complete cut-down kits in
12 individual housing units;

13 b. Review institutional procedures for ensuring that all staff returning to duty after an
14 absence or newly hired staff have received training in CPR pursuant to the amended CPR policy
15 and the use of the CPR shield; and,

16 c. Review 837 incident reports on emergency responses involving inmates on the
17 mental health caseload where CPR was either initiated or not initiated when its use seemed
18 appropriate.

19 4. The parties agree that by March 1, 2006, Defendants will provide the Special
20 Master with a list of persons in institutions who conducted the inventories in each facility,
21 including those heretofore unidentified responsible persons in Avenal State Prison, California
22 Correctional Center, Correctional Training Facility, Calipatria State Prison, California Men's
23 Colony, California Substance Abuse Treatment Facility and State Prison, San Quentin State
24 Prison, North Kern State Prison, and Kern Valley State Prison.

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1 5. Plaintiffs hereby request this Court to approve their voluntary dismissal of the
2 notice of noncompliance.

3 IT IS SO STIPULATED

4 Dated: February 9, 2006 By: /s/ *Lisa Tillman*
5 LISA TILLMAN, ESQ.
6 Deputy Attorney General
 Office of the Attorney General
 Attorneys for Defendants

7 Dated: February 9, 2006 By: /s/ *Jane Kahn*
8 JANE KAHN, ESQ.
9 Rosen, Bien & Asaro, LLP
 Attorneys for Plaintiffs

10 **[PROPOSED] ORDER**

11 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

12 1. The hearing on Plaintiffs' Notice of Defendants' Failure to Comply with the June
13 9, 2005 Court Order, Paragraphs 2 and 5, Re: Suicide Prevention Policies, set for February 15,
14 2006, at 1:30 p.m. is hereby taken off-calendar and canceled.

15 2. By March 1, 2006, Defendants will provide the Special Master with a list
16 of persons in institutions who conducted the inventories in each facility, including those
17 heretofore unidentified responsible persons in Avenal State Prison, California Correctional
18 Center, Correctional Training Facility, Calipatria State Prison, California Men's Colony,
19 California Substance Abuse Treatment Facility and State Prison, San Quentin State Prison, North
20 Kern State Prison, and Kern Valley State Prison.

21 3. During the seventeenth round of monitoring the court monitors shall:

22 a. Review the inventories of cut-down kits in every institution with the staff who
23 prepared them to confirm that cut-down kits, with the appropriate equipment, are available in all
24 housing units and/or, where appropriate, check for the presence of complete cut-down kits in
25 individual housing units;

26 b. Review institutional procedures for ensuring that all staff returning to duty after an
27 absence or newly hired staff have received training in CPR pursuant to the amended CPR policy
28 and the use of the CPR shield.

4. The Court hereby leaves to the monitors' discretion how best to conduct a review of 837 incident reports on emergency responses involving inmates on the mental health caseload where CPR was either initiated or not initiated when its use seemed appropriate.

6. This Court hereby approves and so orders Plaintiffs' request for a voluntary dismissal of the notice of noncompliance.

IT IS SO ORDERED.

Dated: February 13, 2006.

/s/Lawrence K. Karlton
 LAWRENCE K. KARLTON
 SENIOR JUDGE
 UNITED STATES DISTRICT COURT

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