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

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RALPH COLEMAN, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

Case No. 2:90-cv-00520 LKK JFM P

**ORDER WAIVING STATE LAW RE:
SALINAS VALLEY STATE PRISON**

19 On April 28, 2009, Defendants filed an ex parte request that this Court waive state law and
20 regulations so that the California Department of Corrections and Rehabilitation can complete the
21 necessary self-certification of the 64-bed Inpatient Non-Acute Intermediate Care Facility at
22 Salinas Valley State Prison.

23 Good cause presented to the Court and good cause appearing, the Court waives the below-
24 described state laws and regulations so that the California Department of Corrections and
25 Rehabilitation can complete the necessary self-certification of the Salinas Valley State Prison 64-
26 bed Intermediate Care Facility in the absence of compliance with the state building code
27 requirements.

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1 IT IS HEREBY ORDERED AS FOLLOWS:

2 1. The following state codes and laws shall be waived with respect to the Salinas Valley
3 State Prison 64-bed Intermediate Care Facility Project so that the California Department of
4 Corrections and Rehabilitation can certify the Facility for licensure:

5 a. Cal. Health & Safety Code § 129905 (certification of conformance with
6 building standards in lieu of review and approval by the Office of Statewide Health Planning and
7 Development);

8 b. Cal. Code Regs. tit. 24, Part 1, § 7-103(a)(1) (Correctional Treatment Centers
9 shall certify to the Office in compliance with Section 7-156);

10 c. Cal. Code Regs. tit. 24, Part 2, § 420A.9.3 (stating that interior wall finishes
11 shall be smooth, washable, and durable);

12 d. Cal. Code Regs. tit. 24, Part 1, § 7-153 (requiring completion of all change
13 orders prior to final approval);

14 e. Cal. Code Regs. tit. 24, Part 1, § 7-155 (the Office shall approve the
15 construction project when all work is complete in accordance with the approved plans and
16 specifications and it receives the required verified compliance report);

17 f. Cal. Code Regs. tit. 24, Part 1, § 7-156 (certification of final as-built drawings
18 and specifications); and

19 g. Cal. Code Regs. tit. 24, Part 1, § 7-156 (obtain secondary peer review
20 certification).

21 2. The Defendants shall have until August 31, 2009, to certify to the Court that the
22 remaining painting and change order work at the Project is complete or to explain any delays in
23 completing this work.

24 IT IS SO ORDERED

25 Dated: April 28, 2009


26 LAWRENCE K. KARLTON
27 SENIOR JUDGE
28 UNITED STATES DISTRICT COURT