

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

RALPH COLEMAN, et al.,

Plaintiffs,

No. CIV S-90-0520 LKK JFM P

vs.

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

AMENDED ORDER

Defendants have requested a thirty day extension of time to complete a staffing plan as required by this court's June 16, 2009 order. Plaintiffs oppose the request.

In relevant part, paragraph 3(d) of this court's June 16, 2009 order requires defendants to "take all steps necessary to resolve all outstanding staff allocation issues" and to "complete a staffing plan by the end of August 2009." June 16, 2009 Order at 2. Defendants are required to develop the staffing plan "under the guidance of the Special Master following the model that was used to develop" activation schedules and short-term and intermediate bed plans. *Id.* at 2-3. In their motion, defendants represent that they have worked to develop a staffing plan which is¹ complete except for review by the California Department of Corrections and

¹ Defendants' request was filed August 28, 2009. In the motion, defendants represent that they "expect to finalize the draft plan by August 28, 2009." Defendants' Ex Parte Request

1 Rehabilitation's (CDCR) Office of Fiscal Services and the California Department of Finance.
2 Defendants represent that completion of the fiscal review will take four weeks and they seek an
3 extension until September 30, 2009 to file the completed staffing allocation plan. Plaintiffs'
4 principal objection to the request centers on the impact of such an extension on defendants'
5 ability to activate the short-term and intermediate projects approved by the court in the June 18,
6 2009 order. With respect to those projects, defendants state that they "will primarily be
7 implemented during the 2009-10 fiscal year and staffing for CDCR's Mental Health Program for
8 the 2009-10 fiscal year is already included in the Budget Act of 2009." Defendants' Reply, filed
9 September 3, 2009, at 3. Defendants also indicate that the staffing allocation plan at issue is a
10 "comprehensive staffing model based on ratios" that "includes staffing ratios for each of CDCR's
11 mental health programs and administrative functions, not just *Coleman* programs or those related
12 to the short-term and intermediate-term projects." Id. at 4.

13 After review of the papers filed in support of and opposition to the motion, and
14 good cause appearing, the court will grant defendants' request for an extension of time. The
15 extension is approved based on the court's understanding that CDCR staff has worked diligently
16 under the guidance of the Special Master and his experts to make a comprehensive assessment of
17 the staffing required to meet their obligations to members of the Coleman class. The court
18 anticipates that defendants' final staffing allocation plan, to be filed on September 30, 2009, will
19 include a detailed description of the funding source(s) for the staffing needs identified in the
20 plan.

21 The court will not require defendants to produce to plaintiffs a copy of the
22 complete staffing plan prior to the extended deadline, nor will the court make at this time
23 specific orders concerning the manner in which staffing will be funded.

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25 _____
26 for Extension of Time to Complete Staffing Plan, filed Aug. 28, 2009, at 3.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Defendants' August 28, 2009 request for an extension of time is granted.

3 2. Defendants' final staffing plan shall be filed and served on or before

4 September 30, 2009.

5 DATED: September 4, 2009.

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8 LAWRENCE K. KARLTON
9 SENIOR JUDGE
10 UNITED STATES DISTRICT COURT