

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

RALPH COLEMAN, et al.,

Plaintiffs,

No. 2:90-cv-0520 LKK JFM P

vs.

EDMUND G. BROWN, JR., et al.,

Defendants.

ORDER

Pursuant to court order, this matter came on for status conference on May 23, 2013 to address issues related to evidentiary hearings required by issues raised in plaintiffs' motions to enforce orders entered in this action and for affirmative relief. Michael Bien, Esq., appeared as counsel for plaintiffs. Debbie Vorous, Deputy Attorney General, appeared as counsel for defendants.

Plaintiffs have two pending motions and intend to file a third within the next week. Plaintiffs' first motion, filed April 11, 2013 (ECF No. 4543) concerns access to intermediate inpatient hospital care for condemned inmates at San Quentin State Prison as well as issues related to inpatient care at the Department of State Hospital (DSH) programs for CDCR inmates. At the status conference, the court set June 19, 2013 as the date for an evidentiary hearing on the DSH issues raised by plaintiffs' April 11, 2013 motion. Said hearing will be held

1 at 9:30 a.m. in Courtroom # 4 before the undersigned. Hearing on that aspect of plaintiffs'
2 motion that concerns access to intermediate inpatient hospital care for condemned inmates will
3 be consolidated with the evidentiary hearing to be set on plaintiffs' other two motions.

4 Plaintiffs' second motion, filed May 6, 2013 (ECF No. 4580), concerns issues
5 related to placement and treatment of mentally ill inmates in administrative segregation units.
6 Plaintiffs represent that their third motion will raise issues concerning use of force and
7 disciplinary proceedings against mentally ill inmates. At the status conference, the court
8 directed the parties to brief both motions pursuant to Local Rule 230. While acknowledging the
9 court's order, defendants orally reserved their right to seek an extension of time to file an
10 opposition to plaintiffs' May 6, 2013 motion, and shortly after the hearing they filed a motion for
11 a forty-five day extension of time to respond to said motion.

12 The court is not inclined to introduce into these proceedings the delay that would
13 be caused by granting defendants the full extension that they seek. In particular, it appears to the
14 court that the parties are very familiar with the issues raised by plaintiffs' motions. At the same
15 time, however, it also appears that at least some discovery, primarily in the form of one or more
16 expert depositions, should be authorized in connection with plaintiffs' motions and that the
17 parties are in a better position than the court to propose, as an initial matter, the time required for
18 such discovery. For that reason, the court will direct the parties forthwith to meet and confer in
19 good faith and to file within seven days a proposed schedule for completion of discovery and
20 briefing plaintiffs' motions. In proposing a schedule, the parties are informed that the court
21 intends to hold one consolidated hearing on all issues except the issues to be heard on June 19,
22 2013, and that the court intends to proceed expeditiously to hearing those remaining issues.


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

24 1. Defendants' May 23, 2013 motion for extension of time (ECF No. 4630) is
25 denied without prejudice; and

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1 2. On or before May 30, 2013, the parties shall meet and confer in good faith and
2 they shall on or before May 31, 2013 at 4:30 p.m. file with the court a proposed schedule for
3 completion of discovery and briefing plaintiffs' motions concerning administrative segregation
4 and use of force/disciplinary proceedings.

5 DATED: May 24, 2013.

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