

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.,

ORDER TO SHOW CAUSE
IN RE: CONTEMPT

Defendants.

By order filed May 25, 2006, the Special Master was directed to report to the court within seven days on the status and sufficiency of defendants' budget requests for staffing augmentation necessary to implement the court-approved provisions of the January 2006 Revised Program Guide. Thereafter, the Special Master informed the court that defendants were asserting the deliberative process privilege for budget change proposals relevant to preparation of said report and that they sought to submit the documents under seal. By order filed May 30, 2006, the court set a schedule for defendants to formally raise the privilege and plaintiffs to respond thereto. The deadline for submission of the Special Master's report was vacated, to be reset by subsequent court order.

The parties timely complied with the schedule set forth in the May 30, 2006 order. By order filed June 12, 2006, the court determined the material at issue was not privileged and

1 directed it be forwarded to the Special Master and counsel for the plaintiffs not later than close
2 of business on June 14, 2006. The deadline for the filing of the Special Master's report was reset
3 to June 21, 2006.

4 On June 14, 2006, defendants made an oral motion for a stay of the June 12, 2006 order.
5 After a telephonic hearing, the court denied the motion for stay and directed defendants to
6 produce the required material to the Special Master under seal not later than close of business on
7 June 14, 2006. In the same order, the court directed that the Special Master to file his report
8 under seal on June 21, 2006. Finally, the order provided that, absent a stay of the June 12, 2006
9 order by the United States Court of Appeals for the Ninth Circuit, the court would, by June 21,
10 2006, order the material and the Special Master's report produced to plaintiffs.

11 The deadline for submission of the material under seal to the Special Master has passed
12 and defendants have not complied with the court's order.¹ Good cause appearing, IT IS
13 HEREBY ORDERED that on June 27, 2006 at 1:30 p.m. in Courtroom No. 4, James A. Tilton,
14 Acting Secretary of the California Department of Corrections and Rehabilitation, shall show
15 cause in person why he should not be held in contempt of court.

16 DATED: June 15, 2006.



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18 LAWRENCE K. KARLTON
19 SENIOR JUDGE
20 UNITED STATES DISTRICT COURT
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26 ¹ On June 14, 2006, defendants filed in this court a notice of appeal from the June 12, 2006 and June 14, 2006 orders. There is no evidence they have obtained a stay of either order.