

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.,

O R D E R

Defendants.

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On May 2, 2005, the court issued an Order to Show Cause as to why Stephen W. Mayberg, Pd.D., Director of the Department of Mental Health (DMH), should not be joined as a party-defendant in this action. The court has reviewed the briefs submitted in response to the Order to Show Cause.

Pursuant to Federal Rule of Civil Procedure 21, the court may add a party “at any stage of the action and on such terms as are just.” Fed. R. Civ. P. 21. The addition of parties under Federal Rule of Civil Procedure 21 may be necessary where “the just, orderly, and effective determination of [the] issues requires that they be adjudicated in proceedings in which all interested parties are before the Court.” United States v. Louisiana, 354 U.S. 515, 516 (1957).

The “just, orderly and effective” resolution of this case depends on Dr. Mayberg being added as a defendant. It is undisputed that DMH is already an active participant in these

1 proceedings. Moreover, DMH plays a critical role in creating sustainable and effective solutions
2 for inpatient care within the California Department of Corrections and Rehabilitation (CDCR).
3 It is also apparent that, for multiple reasons, DMH is failing to address specific court-ordered
4 remedies. DMH's attempts to remedy the shortage of inpatient beds has been marked by delay
5 and difficulty. Adding Dr. Mayberg as a party-defendant to this action, and thereby subjecting
6 DMH to the supervision of the Court and the involvement of the Special Master, is the only way
7 to insure an effective remedy in this case.

8 Good cause appearing, IT IS HEREBY ORDERED that:

9 1. Stephen M. Mayberg, Ph.D., Director of the Department of Mental Health is
10 JOINED as a defendant in the above-captioned action. He is joined only in his official capacity.

11 2. The Clerk of the Court is directed to SERVE a copy of this order on Stephen W.
12 Mayberg, Ph.D., Director, California Department of Mental Health, 1600 9th Street, Rm. 151,
13 Sacramento, California 95814.

14 IT IS SO ORDERED.

15 DATED: June 27, 2006.



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17 Lawrence K. Karlton
18 Senior Judge
19 United States District Court
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