

1 KAMALA D. HARRIS
2 Attorney General of California
3 JONATHAN L. WOLFF
4 Senior Assistant Attorney General
5 JAY C. RUSSELL
6 DANIELLE F. O'BANNON
7 Supervising Deputy Attorneys General
8 ELISE OWENS THORN, State Bar No. 145931
9 MANEESH SHARMA, State Bar No. 280084
10 CHRISTINE M. CICCOTTI, State Bar No. 238695
11 Deputy Attorneys General
12 1300 I Street, Suite 125
13 P.O. Box 944255
14 Sacramento, CA 94244-2550
15 Telephone: (916) 323-4025
16 Fax: (916) 324-5205
17 E-mail: Christine.Ciccotti@doj.ca.gov
18 *Attorneys for Defendants*

19
20
21 IN THE UNITED STATES DISTRICT COURT
22
23 FOR THE EASTERN DISTRICT OF CALIFORNIA
24
25 SACRAMENTO DIVISION
26
27

28 **RALPH COLEMAN, et al.,**

15 Plaintiffs,

16 v.
17

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

19 Defendants.
20
21

22 2:90-cv-00520 KJM DAD P

23 **DEFENDANTS' REQUEST FOR LEAVE
24 TO MODIFY DEADLINE FOR
25 ACTIVATION OF OFFICE AND
TREATMENT SPACE AT CENTRAL
CALIFORNIA WOMEN'S FACILITY
AND ORDER**

26 **I. INTRODUCTION.**

27 Defendants have completed twenty-six of the twenty-seven court-ordered construction
28 projects designed to serve the mental health treatment needs of the Coleman class. The final
project—construction of a treatment and office space building to serve the Enhanced Outpatient
Program population at the Central California Women's Facility (CCWF)—is more than ninety
percent complete. Defendants expect to begin treating patients in the new building on October 5,
2015, but request that the Court extend the completion date in the March 18, 2014 Order

1 approving Defendants' activation schedule for this project to October 30, 2015. Good cause
 2 exists to grant this request due to delays beyond Defendants' control.

3 Defendants met-and-conferred with Plaintiffs and, although Plaintiffs did not stipulate to
 4 the extension, Defendants do not anticipate that Plaintiffs will object. Defendants also conferred
 5 with the Special Master, who indicated he did not object to this requested extension.

6 **II. THERE IS GOOD CAUSE TO GRANT DEFENDANTS' REQUEST TO EXTEND THE TIME
 7 TO ACTIVATE THE TREATMENT AND OFFICE SPACE CONSTRUCTION PROJECT AT
 CCWF TO OCTOBER 30, 2015.**

8 On September 24, 2009, this Court ordered Defendants to file a detailed long-range
 9 construction plan, including activation schedules, with "a schedule with a date certain for
 10 completion of each project included in the long-range plan." (ECF No. 3686 at 3.) Defendants
 11 submitted their long-range construction plan on February 18, 2010. (ECF No. 3805.) All of the
 12 projects have been completed except construction of a new treatment and office space building
 13 serving the 54 Enhanced Outpatient Program-General Population inmates at CCWF. (*Id.* at 6).¹
 14 In May 2013, Defendants notified the Court that they expected construction to be completed by
 15 May 2015. (ECF No. 4623 at 3.) Construction began in December 2013. In January 2014,
 16 Defendants requested an extension of the activation date for this project to June 2015. (Defs.'
 17 Mot. Regarding Defs.' Long-Range Mental Health Bed Plan and Update to the Court, at 9, Jan.
 18 21, 2014, ECF No. 4984.) The Court granted the request on March 18, 2014. (ECF No. 5116.)

19 Defendants now request a final extension to complete this project by October 30, 2015.
 20 Between April and July 2015, the project was delayed by issues with the contractor responsible
 21 for installing the fire alarm and difficulty in retaining union hall casual labor. (Decl. of Dean
 22 Borg at ¶ 5.) Additionally, during August and September 2015, Defendants encountered
 23 difficulty in scheduling the State Fire Marshal's review of the project's fire alarm submittals, and
 24 inspection of the project. (*Id.* at ¶ 6.) On September 17, 2015, the State Fire Marshal approved
 25 the low voltage fire alarm and control system plans. (*Id.*) The contractor anticipates it will

26 ¹ Defendants' initial plan added 70 Enhanced Outpatient Program-General Population
 27 beds at CCWF. (*Id.*) Defendants reassessed this project in light of the decreased population, and
 the Court approved Defendants' request to cancel this bed expansion. (ECF Nos. 4144 at 3:19-23
 & 4195 at 12:6-11; *see also* ECF No. 4199 at ¶ 2.c.)

1 complete construction by October 5, 2015, assuming a successful State Fire Marshal inspection
2 and resulting certificate of occupancy. (*Id.*) If construction is completed on this schedule, CDCR
3 plans to begin treating patients in the new building on October 5, 2015. (*Id.*) CDCR's Executive
4 Staff in the Facility Planning, Construction and Management Division are closely monitoring the
5 project to accelerate progress where ever possible. (*Id.* at ¶ 7.)

6 **III. CONCLUSION.**

7 Construction of the new treatment and office space at CCWF is nearly complete, and
8 Defendants' request to extend the activation deadline for this project to October 30, 2015 should
9 be granted. Defendants will continue to accelerate completion of this project, if feasible, and
10 expect that patients will begin receiving treatment in the new facility by October 5, 2015.
11 Defendants will also continue to submit to the Special Master an activation schedule until the
12 project is complete.

13 Dated: September 22, 2015

Respectfully submitted,

14 KAMALA D. HARRIS
15 Attorney General of California
16 DANIELLE O'BANNON
17 Supervising Deputy Attorney General

18 */s/ Christine M. Ciccotti*

19 CHRISTINE M. CICCOTTI
20 Deputy Attorney General
21 *Attorneys for Defendants*

CF1997CS0003
32221648.doc

22

23

24

25

26

27

28

1 **ORDER**

2 Finding good cause, Defendants' request to extend the deadline until October 30, 2015 to
3 activate the office and treatment space for Enhanced Outpatient Program patients at Central
4 California Women's Facility, is granted.

5 IT IS SO ORDERED.

6
7 DATED: September 29, 2015.

8
9 
10 UNITED STATES DISTRICT JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28