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

RALPH COLEMAN, et al.,

Plaintiffs,

v.

EDMUND G. BROWN JR., et al.,

Defendants.

2:90-cv-00520 KJM DAD P

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

I. INTRODUCTION.

Defendants have completed twenty-six of the twenty-seven court-ordered construction 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**
8 **CCWF TO OCTOBER 30, 2015.**

9 On September 24, 2009, this Court ordered Defendants to file a detailed long-range
10 construction plan, including activation schedules, with "a schedule with a date certain for
11 completion of each project included in the long-range plan." (ECF No. 3686 at 3.) Defendants
12 submitted their long-range construction plan on February 18, 2010. (ECF No. 3805.) All of the
13 projects have been completed except construction of a new treatment and office space building
14 serving the 54 Enhanced Outpatient Program-General Population inmates at CCWF. (*Id.* at 6).¹
15 In May 2013, Defendants notified the Court that they expected construction to be completed by
16 May 2015. (ECF No. 4623 at 3.) Construction began in December 2013. In January 2014,
17 Defendants requested an extension of the activation date for this project to June 2015. (Defs.'
18 Mot. Regarding Defs.' Long-Range Mental Health Bed Plan and Update to the Court, at 9, Jan.
19 21, 2014, ECF No. 4984.) The Court granted the request on March 18, 2014. (ECF No. 5116.)

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

27 ¹ Defendants' initial plan added 70 Enhanced Outpatient Program-General Population
28 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.)

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

III. CONCLUSION.

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

Dated: September 22, 2015

Respectfully submitted,

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ORDER

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

IT IS SO ORDERED.

DATED: September 29, 2015.


UNITED STATES DISTRICT JUDGE