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

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16 **RALPH COLEMAN, et al.,** 2:90-cv-00520 KJM KJN PC
17 Plaintiffs,
18 **v.** **STIPULATION AND ORDER**
19 **EXTENDING THE TIME FOR**
20 **PLAINTIFFS TO RESPOND TO**
21 **DEFENDANTS' REPORT IN RESPONSE**
22 **TO AUGUST 21, 2015 ORDER**
23 **EDMUND G. BROWN JR., et al.,** Judge Kimberly J. Mueller
24 Defendants.

25 On August 21, 2015, this Court ordered Defendants to "report to the Court on whether
26 regular and consistent use of the full complement of 256 beds at [DSH-Atascadero] designated
27 for *Coleman* class members is sufficient to permanently eliminate the ongoing waitlist for
inpatient care and if not, why not and what alternative plans are in place for waitlisted class
members." (ECF No. 5343.) The Court further ordered that "Plaintiffs may file a written

1 response to defendants' report within thirty days of the filing of that report." *Id.* On October 30,
2 2015, Defendants filed their report in response to the August 21, 2015 order. (ECF No. 5374.)

3 Defendants' report discussed the implementation of Defendants' new Housing Review
4 process as well as a tentative plan to designate a number of High-Custody Intermediate care beds
5 as "flex" beds that can accept both Acute and Intermediate level of care patients. (ECF No. 5374-
6 1.) As indicated in the report, Defendants have informally implemented the new Housing Review
7 policy while the Memorandum of Understanding between the California Department of
8 Corrections and Rehabilitation and Department of State Hospitals is being finalized. (*Id.* at 6.)
9 Defendants have begun custodial reviews of patients in DSH programs to determine their Least
10 Restrictive Housing and are identifying, on a rolling basis, patients custodially eligible for
11 movement to lower custody programs. The patients are then evaluated for clinical suitability for
12 movement. Defendants have agreed to provide the Special Master with the opportunity to review
13 the clinical case reviews completed to date. Plaintiffs have been invited to observe the review
14 process. The parties, therefore, seek an extension of time to allow for the Special Master's
15 clinical review to occur, and in turn, for Plaintiffs to file their response to Defendants' Report in
16 Response to August 21, 2015 Order. Defendants have also determined that one or more units at
17 DSH-Stockton can be designated as flex units and will activate one of these units on or before
18 January 1, 2016. As a result, the parties, with the concurrence of the Special Master, stipulate as
19 follows:

20 **STIPULATION**

21 1. Plaintiffs shall have thirty days from the date of the Special Master's final report to the
22 parties (in whatever form that report takes), on the results of the Special Master team's review of
23 the selected clinical cases, in which to file a written response, if any, to Defendants' Report in
24 Response to the August 21, 2015 Order.

25 2. Defendants may file a reply within thirty days from the filing of Plaintiffs' written
26 response to Defendants' Report in Response to August 21, 2015 Order.

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1 3. Defendants shall designate a High-Custody Intermediate care unit at DSH-Stockton as
2 a “flex” unit that can accept both Intermediate and Acute level of care patients as needed and
3 shall activate that unit on or before January 1, 2016.

4 Dated: November 24, 2015

Respectfully submitted,

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7 DANIELLE F. O'BANNON
8 Supervising Deputy Attorney General

9 */s/ Elise Owens Thorn*
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12 Attorneys for Defendants

13 */s/ Michael W. Bien*
14 MICHAEL W. BIEN
15 Attorney for Plaintiffs

16 **ORDER**

17 As provided by the foregoing stipulation, IT IS SO ORDERED.

18 DATED: December 28, 2015.

19 
20 UNITED STATES DISTRICT JUDGE