

DONALD SPECTER – 083925
STEVEN FAMA – 099641
PRISON LAW OFFICE
1917 Fifth Street
Berkeley, California 94710-1916
Telephone: (510) 280-2621

MICHAEL W. BIEN – 096891
JANE E. KAHN – 112239
ERNEST GALVAN – 196065
THOMAS NOLAN – 169692
LISA ELLS – 243657
AARON J. FISCHER – 247391
MARGOT MENDELSON – 268583
KRISTA STONE-MANISTA – 269083
ROSEN BIEN
GALVAN & GRUNFELD LLP
50 Fremont Street, 19th Floor
San Francisco, California 94105-2235
Telephone: (415) 433-6830

JEFFREY L. BORNSTEIN – 099358
RANJINI ACHARYA – 290877
K&L GATES LLP
4 Embarcadero Center, Suite 1200
San Francisco, California 94111-5994
Telephone: (415) 882-8200

CLAUDIA CENTER – 158255
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, California 94111-4805
Telephone: (415) 621-2493

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

v.

EDMUND G. BROWN JR., et al.,

Defendants.

Case No. 2:90-CV-00520-KJM-KJN

**STIPULATION AND ORDER
MODIFYING FEBRUARY 3, 2015
ORDER REGARDING FIRST WATCH
SECURITY/WELFARE CHECKS AT
PELICAN BAY STATE PRISON
SECURITY HOUSING UNIT**

Judge: Hon. Kimberly J. Mueller

1 The parties, with the concurrence of the Special Master, stipulate as follows:

2 Because of the unique design of the Pelican Bay State Prison Security Housing Unit
3 (SHU), Security/Welfare Checks utilizing Guard One shall temporarily be conducted only
4 once per hour during First Watch (2200 hours to 0600 hours) while Defendants work to
5 assess and possibly reduce the noise caused by the opening and closing of the Unit's pod
6 doors. Defendants since early August 2015 have been conducting twice-hourly
7 Security/Welfare Checks at the Pelican Bay SHU, including during First Watch, in
8 compliance with the Court's February 3, 2015 Order (Docket # 5271). Plaintiffs have
9 requested this temporary change in the frequency of First Watch Security/Welfare Checks
10 at the Pelican Bay SHU.

11 Defendants anticipate that contract work to assess pod-door noise will commence
12 during the last week of January 2016. Defendants shall report to the Special Master and
13 Plaintiffs immediately if there is any change to that schedule.

14 No later than April 1, 2016, Defendants shall report to the Special Master and
15 Plaintiffs regarding the status of the contract work, including any changes made to the pod
16 doors, any determinations Defendants have made regarding the pod doors, and any time-
17 frames for further work regarding those doors.

18 The parties shall thereafter confer with the Special Master regarding this matter, and
19 if necessary conduct a site visit to the Pelican Bay SHU to assess any changes relating to
20 pod-door noise. This Stipulation will expire on May 1, 2015, but may be continued by
21 further Stipulation and concurrence of the Special Master.

22 ///

23 ///

24 ///

25

26

27

28

1 IT IS SO STIPULATED.

2
3 Dated: December 24, 2015

/s/ Steven Fama
Steven Fama
Prison Law Office
Attorneys for Plaintiffs

4
5
6 Dated: December 24, 2015

KAMALA D. HARRIS
Attorney General of California
DANIELLE F. O'BANNON
Supervising Deputy Attorney General

7
8
9
10 /s/ Maneesh Sharma
Maneesh Sharma
Deputy Attorney General
Attorneys for Defendants


11
12 * * *

13
14 ORDER

15
16 In approving the parties' stipulation, the court clarifies that the stipulation will
17 expire on May 1, 2016, unless the court orders otherwise before that date.

18 IT IS SO ORDERED.

19 Dated: December 28, 2015.

20
21 
22 _____
UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28