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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-DB (PC) **STIPULATION AND ORDER AMENDING THE DATE FOR DEFENDANTS TO FILE CDCR'S PSYCHIATRIST VACANCY REPORT** Judge: The Hon. Kimberly J. Mueller

The parties, through their counsel of record, stipulate to the following:

1. On February 14, 2018, the Court ordered Defendants to file on the 15th of every month, beginning on March 15, 2018, "reports identifying the psychiatrist vacancy rates at each CDCR institution and in the aggregate systemwide" ("Report"). (ECF No. 5786 at 4.) The Reports must include the "data for psychiatrist vacancies contained in the report titled Correctional Health Care Services Mental Health Institution Vacancies: Summary by Institution by Classification." (*Id.*) Each Report must contain the "data for the preceding month." (*Id.*)

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2. At the time of the Court's order, Defendants informed the Special Master and Plaintiffs that they would be unable to provide a Report with all of the information required by the Court by the 15th of the month. Specifically, because psychiatry positions are filled by both civil service and registry psychiatrists, verified registry data is not available to CDCR until a few weeks after the close of the month, and therefore not reportable by the 15th of each month.[1]

3. Defendants met with the Special Master and Plaintiffs twice to discuss a potential stipulation to amend the filing date for the Report. Defendants initially requested a stipulation to move the filing deadline to the last court day of the month to allow them to file the Report based on verified registry data. Defendants also informed the Special Master and Plaintiffs that to meet the Court's 15th filing deadline, CDCR would have to collect and rely on non-validated registry data.

4. On March 14, 2018, the parties filed a stipulation to move the date for the February 2018 Report to the last court day of March 2018. The stipulation also informed the Court that future Reports would be filed by the 15th to meet the Court's Order, but, by necessity, the Reports would rely on non-validated registry data. (ECF No. 5803 at 2.)

5. On June 15, 2018, Defendants filed an amended Report for April 2018 because "the verified data for April, which only became available after May 15, showed that the number of positions filled by registry in April 2018 was different from the number shown by . . . report filed on May 15, 2018." (ECF No. 5839 at 2, Ex. A.) On July 16, 2018, Defendants also filed an amended Report for May 2018 because "the verified data for May, which only became available after June 15, showed that the number of positions filled by registry in May 2018 was different from the number shown by . . . report filed on June 15, 2018." (ECF No. 5856, Ex. A.) Defendants anticipate that future Reports will need to be amended.

6. Defendants can file future Reports, including the August Report that includes the data from July, based on verified registry data by the last court day of each month. Moving the filing

[1] Defendants historically provided to the Special Master and Plaintiffs comprehensive staffing data, including registry data, two months after the month reported in the Correctional Health Care Services Mental Health Institution Vacancies: Summary by Institution by Classification report currently provided with Defendants' monthly reports package (*i.e.*, the July report provides data from May).

date for the Report to the last court day of each month will prevent unnecessary amendments and confusion.

7. Therefore, the parties request the deadline to file the Reports be amended to allow CDCR to file it on the last court day of each month.

8. The Special Master has reviewed this stipulation and has no objection to Defendants filing the psychiatry vacancy report on the last court day of each month.

IT IS SO STIPULATED.

Dated: August 14, 2018

/s/ Tyler Heath
TYLER HEATH
Deputy Attorney General
Attorneys for Defendants

/s/ Cara E. Trapani
CARA E. TRAPANI
Attorney for Plaintiffs

ORDER

Based on the parties' stipulation, the Court's February 14, 2018 order (ECF No. 5786), and March 15, 2018 stipulation and order (ECF No. 5803) are amended to allow Defendants to file CDCR's psychiatry staffing vacancy report identifying the psychiatrist vacancy rates at each CDCR institution and in the aggregate systemwide by the last court day of each month.

IT IS SO ORDERED.

Dated: August 21, 2018.

UNITED STATES DISTRICT JUDGE