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

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RALPH COLEMAN, et al., v. EDMUND G. BROWN JR., et al.,	Plaintiffs, Defendants.	2:90-cv-00520 KJM-DB (PC) STIPULATION AND ORDER TO EXTEND THE APRIL 14, 2017 ORDER WAIVING STATE LAW REGARDING L-WING AT CALIFORNIA MEDICAL FACILITY
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On April 14, 2017, subject to further clarification and conditions, the Court approved and ordered the parties' stipulation to waive state licensing requirements so that CDCR could convert 37 cells on the first floor of the L-Wing at the California Medical Facility (L-1), into 70 temporary unlicensed Intermediate Care Facility (ICF) level-of-care beds and two observation and restraint rooms for high-custody inmate-patients referred for ICF care. (ECF No. 5605.) The Court approved the parties' stipulation on two conditions: (1) "Defendants shall report to the

1 Special Master monthly as to whether there are any inmate-patients in L-1 wing who have been
2 custodially approved by CDCR and clinically cleared by the Department of State Hospitals
3 (DSH) for placement in one of the DSH facilities and, if so, why any such inmate-patient is in the
4 L-1 Wing rather than in a DSH facility consistent with the patient's Least Restrictive Housing
5 designation or other appropriate DSH facility," and (2) "the parties are directed to work with the
6 Special Master to bring the plans for the L-1 Wing unit into compliance, as necessary and as
7 expeditiously as possible, with the requirements of the October 18, 2007 order [ECF No. 2461]."
8 (*Id.* at 5.)

9 The stipulation provides that the duration of the waiver of state law is eighteen months from
10 the date of the order, and that the parties will revisit the need for the waivers after twelve months
11 following the Court's order to determine whether any further extension is required. (*Id.* at 2-3, 5.)
12 Accordingly, the waiver of state law expires on October 14, 2018.

13 Under the stipulation and order, the parties have revisited the need for the waivers and have
14 determined that extending the duration of the state law waivers for an additional eighteen-month
15 period—subject to the safeguards outlined in the parties' original stipulation and the Court's order
16 (*Id.* at 3, 5)—will provide additional intermediate care beds to meet the needs of the population.
17 In addition to the previously agreed upon and ordered terms to which CDCR's operation of L-1 is
18 subject (*see id.*), Defendants agree to provide monthly to the Special Master and Plaintiffs patient
19 level data showing offered out of cell time, offered structured hours, and program cancellations.
20 The use of L-1 continues to help Defendants comply with the Program Guide transfer timeframes
21 by making available additional needed inpatient beds pending planned construction and activation
22 of new flexible beds.

23 Good cause presented to the Court and appearing, the parties stipulate that the Court should
24 extend the waivers of the licensing requirements described below for an additional eighteen-
25 months from the date of the Court's order.

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1 **IT IS STIPULATED AND ORDERED AS FOLLOWS:**

2 1. The following state licensing requirements shall be waived with respect to the 70
3 temporary Intermediate Care Facility beds and two observation and restraint rooms in the L-
4 Wing, L-1, at California Medical Facility:

5 A. California Health and Safety Code section 1250(j); and
6 B. California Code of Regulations, Title 22, sections 79501–79861.

7 2. The duration of waiver is eighteen months from the date of this order, and the parties
8 shall consider the need for an extension of the waiver after twelve months.

9 **IT IS SO STIPULATED.**

10 Dated: August 22, 2018

XAVIER BECERRA
Attorney General of California
DANIELLE F. O'BANNON
Supervising Deputy Attorney General

13 /s/ ELISE OWENS THORN
14 Elise Owens Thorn
15 Deputy Attorney General
16 *Attorneys for Defendants*

17 Dated: August 22, 2018

18 /s/ CARA E. TRAPANI
19 Cara E. Trapani
20 *Attorneys for Plaintiffs*

21 **IT IS SO ORDERED.**

22 Dated: October 15, 2018

23 
24 UNITED STATES DISTRICT JUDGE