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

**RALPH COLEMAN, et al.,**

Plaintiffs,

**v.**

**GAVIN NEWSOM, et al.,**

Defendants.

Case No. 2:90-cv-00520 KJM-DB (PC)

**STIPULATION AND ORDER  
MODIFYING THE DECEMBER 11, 1995  
ORDER OF REFERENCE [DKT NO. 640]**

Judge: The Honorable Kimberly J.  
Mueller

On July 3, 2019, the Court issued its order approving the 2018 Program Guide Revision. (ECF No. 6211.) Paragraph 4 of the July 3 order requires “[w]ithin twenty-one days from the date of this order, the parties shall meet and confer and submit to the court a proposed stipulation and order for modification of the ten-day objection period in the Order of Reference to add a provision governing the objection period for reports from the Special Master that are not circulated to the parties for review and comment prior to filing.” (*Id.* at 19.)

1       The 1995 Order of Reference bestowed upon the Special Master the duty to “make interim  
2 reports to the court on the progress of the remedial plan” and to “prepare and file with the court  
3 periodic reports assessing defendants’ compliance with such remedial plan as the court may  
4 order.” (Dkt. No. 640 at 4.) The Order of Reference imposed, as an additional condition on the  
5 filing of the compliance reports, that the Special Master serve the parties with a draft of each  
6 compliance report “to afford counsel a reasonable time within which to submit to the special  
7 master specific, written objections.” (*Id.*) Over the course of this case, the Special Master has  
8 regularly provided the parties with a minimum of thirty days in which to submit objections to the  
9 draft compliance reports. The Order of Reference further provides that any compliance report  
10 “shall be adopted as the findings of fact and conclusions of law of the court, unless, within ten  
11 days after being served with the filing of the report, either side moves to reject or modify the  
12 report.” (*Id.*)

13       The Order of Reference is silent as to the deadline to respond to reports filed by the Special  
14 Master that are not circulated to the parties for review and comment prior to filing. It is thus  
15 unclear whether the 10-day deadline contained in Section C of the Order of Reference or the  
16 twenty-one day deadline provided by Rule 53 (f) (2) of the Federal Rules of Civil Procedure for  
17 parties to file objections to, or to move to modify or adopt, a report of a Special Master governs.

18       The parties have met and conferred and agree that the Court should set as the deadline for  
19 the parties to respond to reports filed by the Special Master that are not served on the parties  
20 before they are filed, at thirty days from the date of service of the filed report.

21       Accordingly, the parties jointly request that the Court modify the Order of Reference to  
22 expressly provide that, for any report filed by the Special Master that has not been circulated to  
23 the parties for review and comment prior to filing, the parties will have thirty days from the date  
24 of service to file objections to, or move to modify, reject, or adopt, such a report. No other aspect  
25 of the Order of Reference is herein modified.

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1 The Special Master has reviewed and approved this stipulation and proposed order as  
2 required by the Court's July 3, 2019 Order. (ECF No. 6211 at 19.)

3 **IT IS SO STIPULATED.**

4 Dated: July 24, 2019

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Supervising Deputy Attorney General

7 /S/ ELISE OWENS THORN  
Elise Owens Thorn  
Deputy Attorney General  
Attorneys for Defendants

10 Dated: July 24, 2019

11 /S/ LISA ELLS  
Lisa Ells  
Attorneys for Plaintiffs

13 **IT IS SO ORDERED.**

14 Dated: July 29, 2019

15   
UNITED STATES DISTRICT JUDGE