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9
10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12
13 QUENTIN HALL, SHAWN GONZALES,
14 ROBERT MERRYMAN, DAWN SINGH, and
BRIAN MURPHY, on behalf of themselves
and all others similarly situated,

15 Plaintiffs,

16 v.

17 COUNTY OF FRESNO

18 Defendant.

Case No. 1:11-CV-02047-LJO-BAM

**JOINT REQUEST FOR APPOINTMENT
OF COURT EXPERT AND ORDER**

Date:

Courtroom: 8

Judge: Hon. Barbara McAullife

Action Filed: December 13, 2011

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CAPTION PAGE]**

1 Pursuant to the Consent Decree (ECF 112-1) approved by this Court on November
2 2, 2015 (ECF 170), the parties shall “jointly request the appointment of three Court
3 experts pursuant to rule 706 of the Federal Rules of Evidence to advise the Court on the
4 adequacy of implementation of the Remedial Plan.” (ECF 112-1 at ¶ 10.) It further
5 provides, “The Court experts shall be entitled to reasonable compensation in an amount
6 approved by the Court, which shall be paid by Defendant.” (*Id.* at ¶ 11.)

7 The parties have agreed on Dr. Michael Puisis as one of the three Court experts.
8 His curriculum vitae is attached as Exhibit A. Dr. Puisis will complete evaluations and
9 reports regarding medical care in the Fresno County Jail. His first tour of the jail is
10 scheduled on February 22 - 26, 2016. Defendant has agreed to compensate him at a rate
11 of \$295 an hour for work performed and \$142.50 an hour for time spent traveling, and
12 will reimburse him for reasonable travel expenses.

13 Defendant has provided Dr. Puisis with a copy of the Expert’s Duties (ECF 112-1,
14 Appendix B, at 42-43).

15 The parties hereby request appointment of Dr. Michael Puisis as Court expert and
16 approval of the compensation in the amount described above.

17
18 Respectfully submitted,

19 Dated: February 3, 2016

PRISON LAW OFFICE

20
21 :/s/ Kelly Knapp

22 Kelly Knapp
23 Attorney Plaintiffs Quentin Hall, Shawn
24 Gonzales, Robert Merryman, Brian Murphy,
25 Dawn Singh, and the Plaintiff Class

26
27 Dated: February 3, 2016

OFFICE OF FRESNO COUNTY COUNSEL

28 :/s/ Daniel Cederborg

Daniel Cederborg
Attorney for Defendant

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The Court approves the appointment of Dr. Michael Puisis as Court expert to be paid by Defendant in the amount of \$295 an hour for work performed and \$142.50 an hour for time spent traveling. Defendant will also reimburse him for reasonable travel expenses.

Rule 706(b) of the Federal Rules of Evidence requires the Court to “inform the expert of the expert’s duties.” The expert’s duties are as follows:

1. Pursuant to rule 706 of the Federal Rules of Evidence, the Courts’ experts shall advise the Court on the adequacy of the implementation of the Remedial Plan.

2. During the first year of the Consent Decree, the three Court experts shall each complete one comprehensive review and report to advise the Court on defendant’s progress in implementing the Remedial Plan. For the remaining duration of the Consent Decree, the Court experts shall complete comprehensive reviews and reports as they determine to be necessary, or as jointly requested by the parties, but not more than once a year, to advise the parties and the Court on the adequacy of defendant’s implementation of the Remedial Plan. To form the basis of their reports, the Court experts shall have access to all parts of any County jail facility, with adequate notice provided in advance of the same to ensure appropriate security is provided, all relevant budgetary, custody, and health care documents, persons (including confidential interviews with consenting staff and consenting prisoners) and institutional meetings, proceedings, and programs to the extent the experts reasonably determine such access is needed to fulfill their obligations. The Court experts shall not have access to personnel files, including records and information deemed confidential pursuant to California Penal Code § 832.7. Attorneys shall not have ex parte contact with experts regarding their preliminary and proposed opinions to be presented to the parties.

1 3. At the request of either party, the Court experts shall participate in the
2 dispute resolution process, as described in Paragraph 18 of the Consent Decree, by
3 evaluating the issue in dispute and preparing a report, including but not limited to whether
4 defendant is in substantial compliance with the terms of the Remedial Plan. The expert(s)
5 shall devote his or her best efforts to provide his or her report regarding the area of
6 disagreement within 45 days of the request.
7

8 4. The Court experts shall be available to meet jointly with the parties in
9 person or by telephone in a manner that is reasonable and convenient for the purpose of
10 resolving disputes between the parties.
11

12 5. At the request of the Court, the Court experts shall attend any negotiations,
13 mediation sessions, or court hearings.
14

15 6. The Court experts shall be entitled to reasonable compensation in an
16 amount approved by the Court, which shall be paid by Defendant, for time incurred to
17 prepare reports, resolve disputes, or attend hearings or meetings as requested by the Court.
18 The Court experts shall provide defendant with a detailed written itemization of the
19 claimed fees and costs, itemized by date, amount of time spent, and task, as well as
20 records and bills evidencing the costs claimed, on a quarterly basis.
21

22 IT IS SO ORDERED.
23

24 Dated: February 10, 2016

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE