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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUCY ATAYDE,

Plaintiff,

v.

NAPA STATE HOSPITAL, et al.,

Defendants.

Case No. 1:16-cv-00398-DAD-SAB

ORDER RE STIPULATION RE
CONFIDENTIAL DOCUMENT
PRODUCTION

(ECF Nos. 136, 138, 139, 140)

On May 14, 2019, Intervenor Ai Qiong Zhong, W.L., and Mai Chau (“Intervenors”), who are plaintiffs in a related matter, filed a motion to intervene for the purpose of modifying the protective order entered in this matter in order to obtain certain discovery. (ECF No. 128.) On May 21, 2019, Plaintiff filed a stipulation that will remove the confidential designation over these discovery materials and allow production of such materials to the intervenors. Because the stipulation was not signed by all parties in the action, the Court ordered the Defendants that were not signatories to the stipulation to file a statement signifying whether they oppose the entry of the stipulation (ECF No. 138). On May 22, 2019, Defendants California Forensic Medical Group, Inc., Taylor Fithian, Heather Goode, Sean Ryan, Deborah Mandujano, Corina Denning, Merced County, Tom Cavallero, and Jason Goins, filed statements signifying they do not oppose entry of the stipulation. (ECF Nos. 139, 140.) Accordingly, as all parties agree to entry of the stipulation, the Court enters the below stipulation.

1 STIPULATION

2 Plaintiff and Defendants California Department of State Hospitals, Napa State Hospital,
3 and the individual State of California Defendants (collectively the “State Defendants”), hereby
4 stipulate to the following:

5
6 1. This case involves the suicide of Richard Ramirez in Merced County jail, while
7 he waited to be transferred to Napa State Hospital (“NSH”) after he was found incompetent to
8 stand trial (“IST”) pursuant to California Penal Code § 1370. Plaintiff alleges that the State
9 Defendants are deliberately indifferent to the rights and safety of IST inmates by failing or
10 refusing to admit them when they are ordered committed to a State Hospital; requiring inmates to
11 wait on waiting lists for weeks and months after courts order them to be committed to the State
12 Hospital; refusing to triage the IST inmates or review their psychiatric acuity before placing
13 them on the waiting list; and refusing to inform Courts, District Attorneys, Defense counsel, and
14 the inmates’ next of kin of the delay in admitting the inmates. The State Defendants deny all of
15 Plaintiff’s allegations.
16

17 2. The State Defendants have produced voluminous relevant waiting lists in which
18 they have kept track of IST inmates and their waits for admission to a State Hospital.

19 3. **Exhibit A** attached hereto is a sample page from the Direct Admission Waiting
20 List produced by Defendant Dana White, RN, at her deposition. The list is 638 pages long and
21 bears the names of IST inmates other than Richard Ramirez, which Plaintiff’s counsel has
22 redacted for purposes of this stipulation. The parties initially designated the list confidential
23 during the deposition of Ms. White, to preserve the confidentiality of the IST Defendants
24 awaiting transfer to NSH.
25

26 4. Pursuant to California Welfare and Institutions Code § 5328, subdivision (a)(6),
27 the parties hereby agree that the Direct Admission Waiting List that was produced by Ms. White
28

1 at her deposition, and any subsequently produced versions of the same list, shall be produced in
2 this matter in the administration of justice, and the confidentiality designation over this document
3 is removed.

4
5 5. **Exhibit B** contains examples of other waiting lists or analyses of waiting lists
6 produced by the State Defendants and designated as confidential in this matter. The parties agree
7 to remove the confidentiality designations from the documents that do not mention any
8 individual patients by name, including the IST Pending Admission Analyses (**Exhibit B**, p. 1)
9 and the Weekly Pending Placement Reports (**Exhibit B**, p. 7). The remaining waiting lists shall
10 be produced in the administration of justice pursuant to California Welfare and Institutions Code
11 § 5328, subdivision (a)(6), and the confidentiality designations are removed from them.
12 Plaintiff's counsel has redacted the names of the IST inmates from the waiting lists in **Exhibit B**
13 that contain names of individuals.
14

15 IT IS SO STIPULATED
16

17 Dated: May 14, 2019

HADDAD & SHERWIN LLP
LAW OFFICE OF SANJAY S. SCHMIDT

/s/ Julia Sherwin

JULIA SHERWIN
Attorneys for Plaintiff
LUCY ATAYDE

22
23 Dated: May 21, 2019

XAVIER BECERRA
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AMIE MCTAVISH
Deputy Attorney General

*/s/ Amie McTavish**

AMIE MCTAVISH

