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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUCY ATAYDE, Individually and as
Successor in Interest of Decedent
RICHARD MICHAEL RAMIREZ,

Plaintiff,

v.

NAPA STATE HOSPITAL, STATE OF
CALIFORNIA DEPARTMENT OF
STATE HOSPITALS, a public entity,
Jointly and Severally,

Defendants.

No. 1:16-cv-00398-ADA-SAB

AMENDED TENTATIVE PRETRIAL
ORDER

Deadlines:
Proposed Jury Instructions: **May 9, 2023**
Objections: **May 16, 2023**

Motions *in Limine* Filing: **May 2, 2023**
Oppositions: **May 9, 2023**

Trial Submissions: **May 16, 2023** (misc.)
Jury Trial: **May 23, 2023, at 8:30 a.m.**
Courtroom 1; jury trial; in person

On March 6, 2023, the Court conducted a final pretrial conference. Michael Haddad and Julia Sherwin appeared as counsel for Plaintiff; Amie C. Bears appeared as counsel for Defendants. Having considered the parties’ joint pretrial statement and the views of the parties, the court issues this tentative pretrial order.

Plaintiff Lucy Atayde (“Plaintiff”) brings this civil rights action against Defendants Napa State Hospital, State of California Department of State Hospitals, with violations arising under

1 Americans with Disabilities Act (“ADA”) – 42 U.S.C. § 12132 and 28 C.F.R. §35, et seq., the
2 Rehabilitation Act (“RA”) – 29 U.S.C. § 794, et seq. Plaintiff claims that Defendants acted with
3 deliberate indifference toward the psychiatric needs of the decedent, Richard Ramirez, which
4 resulted in his suicide at the Merced County John Latoracca Correctional Center on December 15,
5 2014. This action proceeds on Plaintiff’s Second Amended Complaint (ECF No. 148). The matter
6 is set for a jury trial on May 23, 2023

7 I. JURISDICTION/VENUE

8 Subject Matter Jurisdiction is predicated on 28 U.S.C. §§ 1331 and 1343. Jurisdiction is
9 not contested.

10 The events that gave rise to the action occurred in Merced County, California.
11 Accordingly, venue is proper in the United States District Court for the Eastern District of
12 California. *See* 28 U.S.C. § 1391. Venue is not contested.

13 II. JURY

14 Both parties have demanded a jury trial. (ECF No. 249 at 2). The jury will consist of eight
15 jurors.

16 III. UNDISPUTED FACTS

17 In their joint pre-trial statement, Parties filed separate statements of fact that each believed
18 to be undisputed. (ECF No. 249 at 2-19.) Parties are directed to meet and confer and file a
19 consolidated statement of undisputed facts, within **14 days of the date of this order**.

20 IV. DISPUTED FACTUAL ISSUES

- 21 1. When the State was on notice of Mr. Ramirez’s disability;
- 22 2. Whether, by reason of his disability, and by State employees’ deliberate
23 indifference, Mr. Ramirez was excluded from participation in DSH’s or NSH’s
24 services, programs, and activities;
- 25 3. Whether, by reason of his disability, and by State employees’ deliberate
26 indifference, Mr. Ramirez was otherwise discriminated against, with regard to
27 DSH’s or NSH’s services, programs, and activities;
- 28 4. When the State, through its employees, was or should have been on notice of Mr.

1 Ramirez's need for accommodation concerning his treatment and admission to
2 Napa_State Hospital or to any other available public or private treatment facility;

3 5. Whether the State, by deliberate indifference of its employees, failed to provide
4 such accommodation to Mr. Ramirez;

5 6. Whether the State's actions and omissions caused Mr. Ramirez's death;

6 7. The nature and extent of Decedent's and Plaintiff's claimed injuries;

7 8. The amount of Plaintiff's damages.

8 V. DISPUTED EVIDENTIARY ISSUES/MOTIONS IN LIMINE

9 The parties have not yet filed motions *in limine*. The court does not encourage the filing
10 of motions *in limine* unless they are addressed to issues that can realistically be resolved by the
11 court prior to trial and without reference to the other evidence which will be introduced by the
12 parties at trial. The parties anticipate filing the motions *in limine* below. Any motions *in limine*
13 counsel elects to file shall be filed no later than **21 days before trial**. Opposition shall be filed no
14 later than **14 days before trial** and any replies shall be filed no later than **10 days before trial**.
15 Upon receipt of any opposition briefs, the court will notify the parties if it will hear argument on
16 any motions *in limine* prior to the first day of trial.

17 Plaintiff's Motions in Limine

18 1. To exclude any evidence, references to evidence, testimony, comment, or argument
19 from Defendants and their experts concerning any non-disclosed pre- or post-incident
20 alleged crimes or bad acts by Plaintiff Lucy Atayde;

21 2. To exclude any evidence, references to evidence, testimony, comment, or argument
22 from Defendants and their experts concerning the factual details of the incident and
23 charges that led to Decedent's arrest and incarceration at Merced County's John
24 Latoracca Correctional Center on August 23, 2014, except that Decedent was arrested
25 for felonies and awaiting trial;

26 3. To exclude any evidence, references to evidence, testimony, comment, or argument
27 from Defendants and their experts concerning any claimed contributory fault of any
28 other person or entity, since contributory fault is not a defense to an ADA claim;

- 1 4. To exclude any evidence, references to evidence, testimony, comment, or argument
2 from Defendants and their experts concerning any claimed lack of budget or resources
3 to address Decedent's rights under the ADA, since lack of budget or resources is not a
4 defense to an ADA claim against the State;
- 5 5. To exclude any evidence, references to evidence, testimony, comment, or argument
6 concerning the amount of Plaintiff's settlement with the county and CFMG
7 defendants;
- 8 6. To exclude all witnesses and documents Defendants failed to properly and timely
9 disclose in this matter, including but not limited to previously undisclosed witnesses
10 and documents;
- 11 7. For attorney voir dire and sufficient trial time and peremptory challenges

12 Defendant's Motions *in Limine*

- 13 1. To exclude any arguments or evidence regarding causes of action that have been
14 dismissed against the State.
- 15 2. To exclude any evidence or argument based on speculation as to what would have
16 happened to the decedent had he been admitted to Napa State hospital.
- 17 3. To exclude any reference or arguments regarding any cases making similar allegations
18 against DSH.
- 19 4. To exclude any evidence to the jury of dates other than the date the packet was sent to
20 DSH as the date of notice of Ramirez's disability and need for treatment.
- 21 5. To exclude argument of reference to any court decision setting a timeline for
22 admission to the State Hospital for IST defendants which was decided or ruled upon
23 after the death of decedent.
- 24 6. To exclude any evidence to the jury of damages allegedly suffered by any party other
25 than decedent.
- 26 7. To exclude any evidence to the jury of damages other than those recoverable under an
27 ADA and RA claim for failure to accommodate.
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1 VI. SPECIAL FACTUAL INFORMATION

2 **Within 14 days of this order**, Plaintiffs are directed to identify the specific factual
3 information pertaining to this action, as required under Local Rule 281(b)(6).

4 VII. RELIEF SOUGHT

5 Plaintiff claims the following elements of damages, including all damages and penalties
6 recoverable under the ADA/RA through survival and wrongful death claims, and as otherwise
7 allowed under California and United States statutes, codes, and common law:

- 8 1. Loss of support and familial relationship, including loss of love, companionship,
9 comfort, affection, society, services, solace, and moral support (non-economic
10 damages);
- 11 2. Richard Ramirez's loss of life, pursuant to federal civil rights law;
- 12 3. Richard Ramirez's 80 days of conscious pain and suffering pursuant to federal
13 civil rights law.
- 14 4. Plaintiff also claims attorneys' fees and costs allowable under federal law on her
15 42 U.S.C. §12205 and 29 U.S.C. § 794a(b) claims.

16 VIII. POINTS OF LAW

17 The Parties did not state Points of Law in the Joint Pretrial Statement. The Parties are
18 directed to file a statement with points of law, including all causes of action or affirmative
19 defenses that will be asserted at trial, to include in the Final Pretrial Order within **14 days of the**
20 **date of this order.**

21 Trial briefs addressing the points of law implicated by the claims the parties will identify
22 in their filing of the Points if Law shall be filed with this court no later than **7 days before trial** in
23 accordance with Local Rule 285.

24 ANY CAUSES OF ACTION OR AFFIRMATIVE DEFENSES NOT EXPLICITLY
25 ASSERTED IN THE PRETRIAL ORDER UNDER POINTS OF LAW AT THE TIME IT
26 BECOMES FINAL ARE DISMISSED AND DEEMED WAIVED.

27 IX. ABANDONED ISSUES

28 None.

1 X. WITNESSES

2 Plaintiff's witnesses shall be those listed in **Attachment A**. Defendants' witnesses shall
3 be those listed in **Attachment B**. Each party may call any witnesses designated by the other.

4 A. **The court does not allow undisclosed witnesses to be called for any purpose,**
5 **including impeachment or rebuttal, unless they meet the following criteria:**

6 (1) The party offering the witness demonstrates that the witness is for the
7 purpose of rebutting evidence that could not be reasonably anticipated at
8 the pretrial conference, or

9 (2) The witness was discovered after the pretrial conference and the proffering
10 party makes the showing required in paragraph B, below.

11 B. Upon the post pretrial discovery of any witness a party wishes to present at trial,
12 the party shall promptly inform the court and opposing parties of the existence of
13 the unlisted witnesses by filing a notice on the docket so the court may consider
14 whether the witnesses shall be permitted to testify at trial. The witnesses will not
15 be permitted unless:

16 (1) The witness could not reasonably have been discovered prior to the
17 discovery cutoff;

18 (2) The court and opposing parties were promptly notified upon discovery of
19 the witness;

20 (3) If time permitted, the party proffered the witness for deposition; and

21 (4) If time did not permit, a reasonable summary of the witness's testimony
22 was provided to opposing parties.

23 XI. EXHIBITS, SCHEDULES, AND SUMMARIES

24 Plaintiff's exhibits are listed in **Attachment C**. Defendant's exhibits are listed in
25 **Attachment D**. No exhibit shall be marked with or entered in evidence under multiple exhibit
26 numbers, and the parties are hereby directed to meet and confer for the purpose of designating
27 joint exhibits and to provide a list of joint exhibits. All exhibits must be pre-marked as discussed
28 below. At trial, joint exhibits shall be identified as JX and listed numerically, e.g., JX-1, JX-2.

1 Plaintiff's exhibits shall be listed numerically, and defendants' exhibits shall be listed
2 alphabetically.

3 The parties must prepare three (3) separate exhibit binders for use by the court at trial,
4 with a side tab identifying each exhibit in accordance with the specifications above. Each binder
5 shall have an identification label on the front and spine. The parties must exchange exhibits no
6 later than **28 days before trial**. Any objections to exhibits are due no later than **14 days before**
7 **trial**. The final exhibits are due **the Thursday before the trial date**. In making any objection,
8 the party is to set forth the grounds for the objection. As to each exhibit which is not objected to,
9 no further foundation will be required for it to be received into evidence, if offered.

10 **The court does not allow the use of undisclosed exhibits for any purpose, including**
11 **impeachment or rebuttal, unless they meet the following criteria**

12 A. The court will not admit exhibits other than those identified on the exhibit lists
13 referenced above unless:

- 14 (1) The party proffering the exhibit demonstrates that the exhibit is for the
15 purpose of rebutting evidence that could not have been reasonably
16 anticipated, or
17 (2) The exhibit was discovered after the issuance of this order and the
18 proffering party makes the showing required in paragraph B, below.

19 B. Upon the discovery of exhibits after the discovery cutoff, a party shall promptly
20 inform the court and opposing parties of the existence of such exhibits by filing a
21 notice on the docket so that the court may consider their admissibility at trial. The
22 exhibits will not be received unless the proffering party demonstrates:

- 23 (1) The exhibits could not reasonably have been discovered earlier;
24 (2) The court and the opposing parties were promptly informed of their
25 existence;
26 (3) The proffering party forwarded a copy of the exhibits (if physically
27 possible) to the opposing party. If the exhibits may not be copied the
28 proffering party must show that it has made the exhibits reasonably

1 available for inspection by the opposing parties.

2 **XII. DISCOVERY DOCUMENTS**

3 Counsel must lodge the sealed original copy of any deposition transcript to be used at trial
4 with the Clerk of the Court no later than **14 days before trial**.

5 Plaintiff has indicated the intent to use the following discovery documents at trial:

- 6 1. State Defendants' Responses to Plaintiff's Interrogatories (Set One) (Dated August 9,
7 2019);
- 8 2. State Defendants' Amended Responses to Plaintiff's Interrogatories (Set One) (Dated
9 August 28, 2019);

10 Both parties have indicated their intent to use depositions of witnesses unavailable for
11 trial, or by stipulation. Both parties reserve the right to offer any portion of depositions as party
12 admissions, and any and all depositions for impeachment.

13 **XIII. FURTHER DISCOVERY OR MOTIONS**

14 With the exception of motions *in limine* to be filed at the time set by this Court, there are
15 no other pending or anticipated motions at this time.

16 **XIV. STIPULATIONS**

17 The parties stipulate to the following facts:

- 18 1. References to the California Department of State Hospitals (DSH) and/or Napa
19 State Hospital (NSH) are equivalent to the State of California for purposes of these
20 claims;
- 21 2. CONREP (the Forensic Conditional Release Program) is established and
22 administered by the Department of State Hospitals;
- 23 3. At all material times, Department of State Hospitals and Napa State Hospital
24 employees and agents, including Pam Ahlin, Cindy Black, George Maynard, Mark
25 Grabau, Ph.D, Rhonda Love, Delores Matteucci, Diane Mond, R.N., Patricia
26 Tyler, M.D., and Dana White, R.N., were acting within the course and scope of
27 their employment with the Department of State Hospitals and/or Napa State
28

1 Hospital;

2 4. At all material times, the Department of State Hospitals and Napa State Hospital
3 were public entities providing services, benefits, and programs and receiving
4 federal financial assistance pursuant to Title II of the Americans with Disabilities
5 Act and § 504 of the Rehabilitation Act;

6 5. At all material times, Decedent was a qualified individual with a disability under
7 the meaning of Title II of the Americans with Disabilities Act and § 504 of the
8 Rehabilitation Act, and was qualified to receive benefits or services from DSH and
9 NSH;

10 6. All parties will produce their current party-witnesses for trial without subpoenas,
11 with one day notice from another party;

12 7. The State will produce as witnesses for trial current employees of the Department
13 of State Hospitals and Napa State Hospital;

14 8. The parties stipulate to the use of a written juror questionnaire.

15 9. To save time and avoid incurring unnecessary expense, the parties stipulate that
16 documents produced by the parties in this litigation are authentic under Federal
17 Rule of Evidence 901.

18 10. The parties stipulate that all documents produced by the State Defendants, during
19 discovery, if offered by Plaintiff, are non-hearsay party admissions, or public
20 records or business records under Fed. Rule Evid. 803(6) through (8). The parties
21 stipulate that all documents authored by Plaintiff are non-hearsay party admissions
22 if offered by Defendants. All other objections to such records would be preserved.

23 11. Given the complexity of this case, the sensitive nature of the issues presented, the
24 noneconomic damages claimed, and the many issues the jury will be required to
25 resolve, the parties jointly request two hours per side of attorney voir dire.

26 XV. AMENDMENTS/DISMISSALS

27 None.

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1 XVI. SETTLEMENT

2 On December 14, 2018, all parties participated in an unsuccessful mediation with Hon. Raul
3 A. Ramirez (Ret.). In August, 2021, Plaintiff settled her claims against the County and CFMG
4 Defendants. Plaintiff offered to participate in a separate mediation with the State Defendants, but
5 no further settlement discussions transpired until November, 2022, when the State Defendants
6 expressed an interest in continuing settlement discussions. On February 7, 2023, after proposing
7 prospective mediators, Plaintiff and the State mediated with the Hon. Joe Hilberman (Ret.). The
8 case did not resolve, nor are there any continuing negotiations based on discussions at the
9 mediation. No further court supervised settlement conference will be scheduled unless both
10 parties indicate that a further settlement conference may be productive.

11 XVII. JOINT STATEMENT OF THE CASE

12 The parties are directed to meet and confer and propose a neutral statement of the case for
13 this purpose within **14 days of this court order**.

14 XVIII. SEPARATE TRIAL OF ISSUES

15 None.

16 XIX. IMPARTIAL EXPERTS/LIMITATION OF EXPERTS

17 None.

18 XX. ATTORNEYS' FEES

19 Plaintiff seeks reasonable attorneys' fees and costs pursuant to 42 U.S.C. §12205, 28
20 C.F.R. §35, et seq., and 29 U.S.C. § 794a(b). The parties agree and request that any motion for
21 attorneys' fees will be due 45 days after the Court resolves an post-trial motions or 45 days after
22 judgment, if no post-trial motions are filed.

23 XXI. TRIAL PROTECTIVE ORDER AND REDACTION OF TRIAL EXHIBITS

24 None. The parties have stated in their joint pretrial statement that the trial exhibits will be
25 retained by the offering party following trial of the action.

26 XXII. MISCELLANEOUS

27 None

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1 XXIII. ESTIMATED TIME OF TRIAL/TRIAL DATE

2 Jury trial is set for **May 23, 2023**, at 8:30 a.m. in Courtroom 1 before the Honorable Ana
3 de Ala. Trial is anticipated to last 8 to 10 court days. The parties are directed to Judge de Alba's
4 standard procedures available on his webpage on the court's website.

5 Counsel are directed to call Mamie Hernandez, courtroom deputy, at (559) 499-5652, one
6 week prior to trial to ascertain the status of the trial date.

7 XXIV. PROPOSED JURY VOIR DIRE AND PROPOSED JURY INSTRUCTIONS

8 The parties shall file any proposed jury *voir dire* **7 days before trial**. Each party will be
9 limited to fifteen minutes of supplemental jury *voir dire*.

10 The court directs counsel to meet and confer in an attempt to generate a joint set of jury
11 instructions and verdicts. The parties shall file any such joint set of instructions **14 days before**
12 **trial**, identified as "Joint Jury Instructions and Verdicts." To the extent the parties are unable to
13 agree on all or some instructions and verdicts, their respective proposed instructions are due **14**
14 **days before trial**.

15 Counsel shall e-mail a copy of all proposed jury instructions and verdicts, whether agreed
16 or disputed, as a Word document to adaorders@caed.uscourts.gov no later than **14 days before**
17 **trial**; all blanks in form instructions should be completed and all brackets removed.

18 Objections to proposed jury instructions must be filed **7 days before trial**; each objection
19 shall identify the challenged instruction and shall provide a concise explanation of the basis for
20 the objection along with citation of authority. When applicable, the objecting party shall submit
21 an alternative proposed instruction on the issue or identify which of his or her own proposed
22 instructions covers the subject.

23 XXV. TRIAL BRIEFS

24 As noted above, trial briefs are due **7 days before trial**.

25 XXVI. OBJECTIONS TO PRETRIAL ORDER


26 Each party is granted **14 days from the date of this order** to file objections to the same.
27 Each party is also granted **7 days thereafter** to respond to the other party's objections. If no
28 objections are filed, the order will become final without further order of this court.

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The parties are reminded that pursuant to Rule 16(e) of the Federal Rules of Civil Procedure and Local Rule 283 of this court, this order shall control the subsequent course of this action and shall be modified only to prevent manifest injustice.

IT IS SO ORDERED.

Dated: March 7, 2023



UNITED STATES DISTRICT JUDGE

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ATTACHMENT A: Plaintiff's Witness List

Name	Address
Lucy Atayde, <i>Plaintiff</i>	Available through Plaintiff's Counsel
Dolores Matteucci, NSH Executive Director	Available through Defense Counsel
Dana White, R.N.	Available through Defense Counsel
Patricia Tyler, M.D.	Available through Defense Counsel
Cindy Black, NSH Clinical Administrator	Available through Defense Counsel
Diane Mond, R.N.	Available through Defense Counsel
Pam Ahlin	Available through Defense Counsel
George Maynard, DHS Deputy Director	Available through Defense Counsel
Mark Grabau	Available through Defense Counsel
Rhonda Love	9300 Tech Center Drive., Suite 210 Sacramento, CA 95826
Philip Hamm, Ph.D.	3323 North M Street, Merced, CA 95348
Jason Goins, Undersheriff	Merced County Sheriff's Office, 700 W. 22nd St. Merced, CA 95340
Sargeant Clifford Tilley	Merced County Sheriff's Office, 700 W. 22nd St. Merced, CA 95340
Marissa Torres	Merced County Sheriff's Office, 700 W. 22nd St. Merced, CA 95340

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Raymond Herr, M.D.	Available through Witness's Counsel
Terry A. Kupers, M.D., M.S.P.	484 Lake Park Avenue, #338 Oakland, CA 94610
Richard Hayward, Ph.D.	1296 Woodside Road Redwood City, CA 94061
Michael D. Freeman, Med.Dr., Ph.D., M.P.H., F.A.A.F.S	P O Box 96309 Portland, OR 97296
Jose Luis Santana	Available through Plaintiff's counsel
Rebekah Santana	Available through Plaintiff's Counsel
Melva Atayde	5460 White Oak Ave. Unit # 002G Encino, CA 91316
Ashley Lair	200 Wayside Dr. Turlock, CA 95380
Peter Cintora	1360 Canal Farm Lane, Los Banos, CA 93635
Adrian "Felix" Pardo	(209) 643-9626
Jovanny Arias	(209) 600-1140
Alex Arias	(408) 694-7819
Mark A. Super, M.D.	Merced County Coroner's Office 455 East 13th Street Merced, CA 95341
Abigail Hamilton	Available through Plaintiff's Counsel
Johanna Spikes	Available through Plaintiff's Counsel
Custodian of Records for CFMG/Wellpath	Available through CFMG/Wellpath's counsel
Custodian of Records for Merced County	Available through County's Counsel

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ATTACHMENT B: Defendants' Witness List

Name	Address
Dana White	Contact through Defense Counsel
Cindy Black	Contact through Defense Counsel
Dr. Mark Grabau	Contact through Defense Counsel
George Maynard	Contact through Defense Counsel
Dr. Phillip Hamm	Contact through Defense Counsel
Dr. Taylor Fithian	Contact through Witness's Counsel
Debbie Mandujano	Contact through Witness's Counsel

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ATTACHMENT C: Plaintiff's Exhibit List

Exhibit No.	Description
1.	Merced County Superior Court's August 29, 2014 Order suspending criminal proceedings (Merced 0004; MSJ Oppo Ex. 6)
2.	Merced County Superior Court's September 26, 2014 Order declaring Mr. Ramirez IST and ordering DSH CONREP to recommend placement (Merced 0025; MSJ Oppo Ex. 10)
3.	DSH CONREP's October 3, 2014 report to Merced County Superior Court (MSJ Oppo Ex. 21)
4.	DSH CONREP's October 3, 2014 fax to Dana White referring Mr. Ramirez for direct admission to NSH (DSH 0035-0052; MSJ Oppo Ex. 11)
5.	Dana White's October 9, 2014 admission letter to Rhonda Love (DSH 0006; MSJ Oppo Ex. 12).
6.	Merced County Superior Court's October 17, 2014 Minute Order ordering Richard Ramirez committed to NSH (Merced 0002; MSJ Oppo Ex. 24)
7.	Merced County Superior Court's October 24, 2014 Commitment Order committing Richard Ramirez to NSH (DSH 0009-0011; MSJ Oppo Ex. 33)
8.	NSH's PaRTS Patient Fact Sheet (DSH 0025-0026; MSJ Oppo Ex. 25)
9.	Dr. Phillip Hamm's psychological report (Merced 0042-0049; MSJ Oppo Ex.9)
10.	Marissa Torres's FedEx excel spreadsheet confirming NSH's receipt of commitment packet (MSJ Oppo Ex. 37)

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11.	Emails produced by Merced County Transportation Clerk, Marissa Torres (MSJ Oppo Ex. 34)
12.	Flow Sheet for Direct Admissions (DSH 0005; MSJ Oppo Ex. 36)
13.	Dana White's Direct Admissions Waiting List (MSJ Oppo Ex. 13)
14.	Excerpt of Dana White's Direct Admissions Waiting List (MSJ Oppo Ex. 22)
15.	Cindy Black's Pending Male Admissions §1370 waiting lists (DSH 1165, 1175; MSJ Oppo Ex. 23)
16.	Longest Waits on Waiting List (MSJ Oppo Ex. 50)
17.	DSH Waitlist from 11/20 through 4/21
18.	DSH's July 2016 report on IST patients (MSJ Oppo Ex. 53)
19.	Dana White's Lanterman- Petris-Short Act facilities list (MSJ Oppo Ex. 18)
20.	Richard Ramirez's CFMG jail medical records (MSJ Oppo Ex. 3)
21.	Chart of Suicidal Statements and Actions (MSJ Oppo Ex. 2)
22.	Excerpts of Napa State Hospital website (Ex. 1 to Black's Dep.)
23.	Conditions and Treatments Available at Napa State Hospital
24.	Longest Waits on the Direct Admission Waiting List
25.	Photos of Napa State Hospital
26.	Photos of safety cell (MSJ Oppo Ex. 4)
27.	Photos of cell 104 (MSJ Oppo Ex. 55)
28.	Richard Ramirez's Merced County jail custody records (MSJ Oppo Ex. 5)
29.	<i>Oregon Advocacy Center v. Mink</i> case (Ex. 47 to Grabau Dep.)
30.	<i>Stiavetti v. Ahlin</i>
31.	Order to Show Cause in <i>Coleman v. Brown</i> , E.D. Cal. Case No. 2:90-cv-00520 KJM-DB, ECF No. 5519 (MSJ Oppo Ex. 49)

1	32.	The State of California's response to Order to Show Cause in <i>Coleman</i> , ECF No. 5522 (MSJ Oppo Ex. 46)
2		
3	33.	Former DSH Executive Director Pam Ahlin's declaration in <i>Coleman v. Brown</i> , ECF No. 5522-1. (MSJ Oppo Ex. 47)
4		
5	34.	Former DSH Executive Director Pam Ahlin's declaration in <i>Coleman v. Brown</i> , ECF No. 5509-2 (MSJ Oppo Ex. 48)
6		
7	35.	George Maynard's list of wait times and OSCs issued against the State from January 1, 2014 to June 30, 2019 (MSJ Oppo Ex. 51.)
8		
9	36.	NSH's Forensic Admissions Administrative Directive 750 (DSH 0171-0175; MSJ Oppo Ex. 30)
10		
11	37.	DSH CONREP's Policy Manual on IST patients (DSH 0254-0267; MSJ Oppo Ex. 16)
12		
13	38.	DSH's CONREP program overview webpages (Ex. 41 to Grabau Dep.)
14		
15	39.	California Code of Regulations Title 9, Section 4700, et al. (Ex. 2 to Maynard's Dep.; Ex. 2 to Tyler's Dep.)
16		
17	40.	California Penal Code § 1370 (DSH 0193-0204; Ex. 36 to Black's Dep.)
18		
19	41.	Welfare & Institutions Code § 4360 (Ex. 40 to Grabau Dep.)
20		
21	42.	DSH's 2017-2018 Budget Act Highlights (Ex. 42 to Grabau Dep.)
22		
23	43.	State of California's 2014 Comprehensive Annual Financial Report
24		
25	44.	Rhonda Love's CONREP file on Richard Ramirez (Exs. 2 and 3 to Love's Dep.)
26		
27	45.	Dr. Hamm's Chart Notes (Ex. 2 to Hamm's Dep.)
28		
	46.	State of California Defendants' answers to Plaintiff's Interrogatories
	47.	State of California Defendants' amended answers to Plaintiff's Interrogatories
	48.	Patricia Tyler, M.D.'s Curriculum Vitae
	49.	Expert Michael D. Freeman's Curriculum Vitae
	50.	Expert report of Michael D. Freeman, Med.Dr., Ph.D., M.P.H., F.A.A.F.S.

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51.	Expert Terry A. Kupers's Curriculum Vitae
52.	Expert report of Terry A. Kupers, M.D., M.S.P.
53.	Expert Richard Hayward's Curriculum Vitae
54.	Expert report of Richard Hayward, Ph.D.
55.	Coroner's report
56.	Autopsy photos
57.	Central Valley Toxicology records
58.	Death Certificate of Decedent Richard Ramirez
59.	Family Photos

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ATTACHMENT D: Defendants' Exhibit List

Exhibit No.	Description
1.	October 9, 2014 correspondence from D. White to R. Love (DSH 00029)
2.	Security/Escape Risk Assessment (DSH 00007-00008)
3.	Order and Commitment of Person Determined to be Mentally Incompetent Under the Provisions of Section 1370 of the California Penal Code, entered on or about October 24, 2014 (DSH 00009-00011)
4.	Superior Court Minutes, entered on or about October 1, 2014 (DSH 00014)
5.	Criminal Complaint (DSH 00016-00018)
6.	Incident Report (DSH 00019-00021)
7.	Arrest Report (DSH 00023)
8.	Database Record (DSH 0002)
9.	Report of Phillip Hamm, Ph.D. (DSH 00038-00043; MERCED 00049-00055).
10.	Admission spreadsheets, redacted versions (DSH 00003, 00053-98). Information was redacted in order to comply with the requirements regarding patient privacy, including, without limitations the rights to requirements to maintain privacy provided by the Health Insurance Portability and Accountability Act of 1996 (HIPAA; Pub.L. 104-191, 110 Stat. 1936, enacted August 21, 1996) ("HIPAA"), California Welfare and Institutions Code section 5328, and the U.S. and California Constitutions.

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11.	Flow Sheet for Direct Admission, (DSH 00099)
12.	Department of State Hospitals Napa – Administrative Directive 750, effective August 19, 2014 (DSH 00171-00175)
13.	Department of Mental Health Special Orders 310, 318.02, 325.04, 337, 605.01, 903.05 (DSH 00176-00192).
14.	Memo, subject “Mental Health Services” (CFMG-RR 000194-197.)
15.	Memo, subject “Mental Health Services” (CFMG-RR 004045 - 004048.)