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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARRIL HEDRICK, DALE
ROBINSON, KATHY LINDSEY,
MARTIN C. CANADA, DARRY
TYRONE PARKER, individually
and on behalf of all others
similarly situated,

Plaintiffs,

v.

JAMES GRANT, as Sheriff of
Yuba County; Lieutenant FRED
J. ASBY, as Yuba County
Jailer; and JAMES PHARRIS,
ROY LANDERMAN, DOUG WALTZ,
HAROLD J. "SAM" SPERBECK,
JAMES MARTIN, as members of
the YUBA COUNTY BOARD OF
SUPERVISORS,

Defendants.

No. 2:76-cv-00162-GEB-EFB

**ORDER DENYING PLAINTIFFS'
REQUEST FOR PRE-APPROVAL OF
EXPERT EXPENDITURES**

Plaintiffs request the Court "authorize the expenditure in an amount not to exceed [\$5,000.00]" to hire an expert(s) "to determine if the Yuba County Jail's medical and mental health care, facilities, and procedures meet the minimum standards required by the Constitution and the Consent Decree." (Pls.' Req. for Authority to Incur Costs 1, ECF No. 154.) Plaintiffs contend the requested expenditure "is reasonably necessary to the prosecution of this action." (Id.)

1 Plaintiffs' counsel, Carter White, filed a Declaration
2 in support of this request, in which he avers:

3 As counsel for the Plaintiff Class, I have a
4 duty to investigate current and ongoing
5 violations of Federal law and the Consent
6 Decree at Yuba County Jail ("the Jail"). See
7 18 U.S.C. § 3626(b)(3); ECF 120-1, at 48-49.
8 Based on the Clinic's preliminary
9 investigation into conditions at the Jail,
10 review of reports produced by the County, and
11 declarations made by inmates, it is my belief
12 that there likely exist current and ongoing
13 violations of inmates' federal rights at the
14 Jail. **In order to determine if the conditions
15 of the Jail are in compliance with the
16 Consent Decree and constitutional minima,
17 Plaintiffs reasonably and necessarily need to
18 hire neutral and unbiased experts familiar
19 with jail conditions and constitutional
20 standards. Some of the issues the experts
21 will need to look into include the
22 accessibility of adequate medical and mental
23 health care, the habitability of the Jail
24 facilities, and the adequacy of exercise and
25 recreation for inmates. I have made
26 reasonable inquiry and believe that the
27 initial cost of this course of action will
28 not exceed the amount of \$5,000. I will do
all that I can to ensure that the expert
costs are minimal and reasonable.**

(Decl. of Carter White in Supp. of Req. to Incur Costs ("White
Decl.") ¶ 2 (emphasis added).)

United States District Court for the Eastern District
of California ("Eastern District") General Order No. 510 governs
the "reimbursement of pro bono counsel appointed in indigent pro
se civil cases." It provides, in relevant part, that "appointed
pro bono counsel . . . may petition the Court for reimbursement
from the Court's Non Appropriated Fund . . . of certain expenses
incurred." See General Order No. 510, 1. Such expenses include:

Request[ed] reimbursement for costs of
**retaining expert and non-expert witnesses
whose services are necessary in preparing**

1 **their client's case.** Except for good cause
2 shown, all such services require prior
3 approval of the judge before whom a case is
pending before they may be purchased,
regardless of their cost.

4 General Order No. 510 § 4(A)(3) (emphasis added).

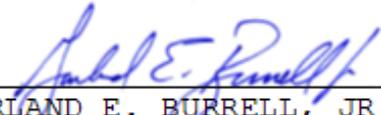
5 The scope of Plaintiffs' requested expert expenditure
6 is unclear and appears beyond what is governed by the Consent
7 Decree. Specifically, Plaintiffs have shown neither precisely
8 what aspects of the Consent Decree would be involved nor
9 justification for the portion of the expenditure seeking
10 authorization to conduct an expert investigation into what
11 Plaintiffs vaguely reference as "constitutional minima," which
12 Plaintiffs indicate is outside the scope of the Consent Decree.

13 Further, Plaintiffs have not demonstrated that expert
14 investigation is necessary "to determine if the conditions of the
15 Jail are in compliance with the Consent Decree and constitutional
16 minima." (White Decl. ¶ 2.)

17 For the stated reasons, Plaintiffs have not shown the
18 requested expenditure is "necessary" to prepare their case.
19 Therefore, Plaintiffs' request is denied.

20 Dated: January 8, 2015

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GARLAND E. BURRELL, JR.
Senior United States District Judge