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3	IN THE UNITED STATES DISTRICT COURTS		
4	FOR THE EASTERN DISTRICT OF CALIFORNIA		
5	AND THE NORTHERN DISTRICT OF CALIFORNIA		
6	UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES		
7	PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE		
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9	RALPH COLEMAN, et al.,		
10	Plaintiffs,	NO. CIV S-90-0520 LKK JFM P	
11	V.	THREE-JUDGE COURT	
12	ARNOLD SCHWARZENEGGER, et al.,	TIREE-JUDGE COURT	
13	Defendants.		
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15	MARCIANO PLATA, et al.,	NO. C01-1351 TEH	
16	Plaintiffs,	THREE-JUDGE COURT	
17	v.	ORDER GRANTING IN PART	
18	ARNOLD SCHWARZENEGGER,	INTERVENORS' MOTION FOR RECONSIDERATION AND	
19 20	et al., Defendants.	<u>ORDER CONSOLIDATING</u> <u>PROCEEDINGS</u>	
20	Derendants.		
21	On Lanuary 29, 2009, the Denuklia	on Assembly and Consta Internances District	
22	On January 28, 2008, the Republican Assembly and Senate Intervenors, District		
23 24	Attorney Intervenors, and Sheriff, Probation, Police Chief, and Corrections Intervenors		
24 25	(collectively, "Intervenors") filed a motion for reconsideration of this court's October 10,		
25 26	2007 Order Bifurcating Proceedings and Setting Deadlines for Phase I and November 9,		
26 27	2007 Order on Motion for Reconsideration and/or Clarification. Defendants filed a statement		
27	of non-opposition to the motion on February 4, 2008, and Plaintiffs filed a statement of non-opposition on February 7, 2008.		
20	opposition on reducity 7, 2008.		

After reviewing the Intervenors' arguments, the court rejects Intervenors' contention 1 2 that defendants are inadequate representatives of the Intervenors' interests on the questions 3 of whether "crowding is the primary cause of the violation of a Federal right" and whether 4 "no other relief [other than a prisoner release order] will remedy the violation of the Federal 5 right." Oct. 10, 2007 Order at 3 (quoting 18 U.S.C. §§ 3626(a)(3)(E)(i)-(ii)). The court 6 further rejects the Intervenors' repeated assertion that this court erred when it bifurcated 7 these proceedings into two phases and limited the Intervenors' participation to the second 8 phase.

9 Nonetheless, upon careful reconsideration of the court's prior scheduling orders and
10 of the procedures that are most likely to expedite the proceedings, including discovery and
11 trial, the court hereby GRANTS IN PART the Intervenors' motion for reconsideration.
12 Intervenors shall be allowed to participate in all stages of these proceedings, subject to the
13 following limitations:

Intervenors' participation in discovery will be prospective only. Intervenors will
 not seek to reopen any matter unless they are able to demonstrate good cause. The
 magistrate judge shall determine whether this standard has been met in the first instance.

17 2. All discovery exchanged between plaintiffs and defendants to date shall be18 provided to intervenors as soon as possible.

3. One attorney will represent all intervenors for further discovery propounded by
 intervenors. Similarly, one attorney will represent all intervenors at future depositions. This
 attorney may be a different attorney on each occasion.

4. If any discovery is directed to a particular group of intervenors (e.g., probation
officers or Republican legislators), counsel representing that group of intervenors shall
respond.

5. At trial, one attorney may question each witness on behalf of all intervenors. The
same attorney need not question all witnesses. Intervenors will, however, present their
evidence and question other parties' witnesses through not more than a total of three different
attorneys throughout the trial.

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6. One attorney will represent all intervenors during any subsequent motion practice,
 including discovery motions. This need not be the same attorney for each motion.

7. The above conditions apply to all intervenors who intervened on behalf of
defendants, and not simply those who joined in the Intervenors' January 28, 2008 motion for
reconsideration.

Beyond reconsidering the level of participation granted to intervenors, this court has
also reconsidered, sua sponte, the desirability of a bifurcated trial. The court now concludes
that it would be more efficient to move forward with a single proceeding and therefore
VACATES its October 10, 2007 order bifurcating proceedings. Discovery and trial in this
matter shall occur in a single consolidated proceeding. The court will set time limits for trial
after reviewing the parties' and intervenors' joint pretrial conference statement.

In light of the above changes to the court's management of this case, the parties,
including intervenors, shall arrange for an initial discovery conference before the magistrate
judge. As soon as practicable, the magistrate judge shall advise this court of a reasonable
discovery cut-off date. Once such a date can be ascertained, this court will reset all other
pretrial dates as appropriate.

18 IT IS SO ORDERED.

20 Dated: 02/08/08

Dated: 02/08/08

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/s/ STEPHEN REINHARDT UNITED STATES CIRCUIT JUDGE NINTH CIRCUIT COURT OF APPEALS

LAWRENCE K, KARLTON SENIOR UNITED STATES DISTRICT JUDGE EASTERN DISTRICT OF CALIFORNIA

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3	Dated: 02/08/08	THELTON E. HENDERSON
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