

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,
Plaintiffs,
v.
EDMUND G. BROWN, JR., et al.,
Defendants.

No. CIV. S-90-520 LKK/DAD (PC)

ORDER

By order filed March 18, 2014 (ECF No. 5116)¹ defendants were, inter alia, granted an extension of time to fully activate all mental health units at the Correctional Health Care Facility (CHCF) and were directed to provide monthly updates to this court and to the Special Master until this task is accomplished. Order filed March 18, 2014 (ECF No. 5116) at 12. In addition, defendants were directed to, on or before March 24, 2014, file with the court and serve on the Special Master and plaintiffs a written report to this court on the status of resolution of the deficiencies at CHCF identified by the Plata Receiver.

¹ The March 18, 2014 order followed a March 10, 2014 status conference.

1 On March 24, 2014, defendants filed the first status report
2 required by the March 18, 2014 order. Therein, defendants
3 request an extension of the deadline set for full activation of
4 the Enhanced Outpatient (EOP) beds at the DeWitt Nelson facility,
5 currently set for May 31, 2014. Defendants represent that
6 admissions to the facility have been "slowed" as part of an
7 ongoing process with the Plata Receiver "to ensure that the
8 infrastructural and supply chain issues at CHCF have been
9 resolved and are not repeated at DeWitt Nelson." Defs. Status
10 Report and Req. to Modify Bed Plan, filed March 24, 2014 (ECF No.
11 5123) at 3. Defendants represent that "they have sufficient
12 capacity to ensure that EOP inmate-patients who were scheduled to
13 be transferred to DeWitt Nelson will continue to receive
14 appropriate care until DeWitt Nelson is fully activated" and that
15 they will provide a further update in their next monthly status
16 report. Id. at 3-4.

17 On April 4, 2014, plaintiffs filed a response to defendants'
18 request for extension of time (ECF No. 5127). Plaintiffs have no
19 opposition to the requested extension. However, they request
20 that the court set a deadline for the parties to meet and confer
21 "regarding Defendants' progress in remedying the systemic harms
22 caused by the delay, and to develop a new activation schedule."
23 Pls. Amended and Superseding Resp. to Defs. Req. to Modify Bed
24 Plan, filed April 4, 2014 (ECF No. 5127) at 2. Plaintiffs
25 represent that on April 3, 2014, defendants provided the Special
26 Master and plaintiffs' counsel with an updated activation
27 schedule that shows patient intake is scheduled to begin on June
28 27, 2014 and full occupation of the mental health unit will be

1 completed by December 30, 2014. See Ex. C to Declaration of
2 Krista Stone-Manista, filed April 4, 2014 (ECF No. 5127-1) at 18.
3 Plaintiffs assert that there are presently an insufficient number
4 of mental health beds, delays in transfer to those beds, and that
5 there are currently more EOP inmates than available beds. See
6 Pls. Resp. (ECF No. 5127 at 3.) Plaintiffs also raise concerns
7 about staffing shortages. Id. at 4.

8 Good cause appearing, defendants' request for extension of
9 time will be granted, subject to the conditions set forth in this
10 order. Plaintiffs' request for a court-ordered meet and confer
11 between the parties will be denied. Defendants are presently
12 subject to court orders to address the issues raised by
13 plaintiffs in their request. Moreover, as it has in the past in
14 similar contexts, the court leaves it to the Special Master to
15 ensure that plaintiffs are provided with notice and an
16 opportunity for input as appropriate. See, e.g., Order filed
17 March 18, 2014 (ECF No. 5116) at 10-11.

18 In accordance with the above, IT IS HEREBY ORDERED that:

19 1. Defendants' March 24, 2014 request to modify their long-
20 range bed plan to extend the time for admissions to and full
21 occupancy of the DeWitt Nelson facility is granted. Defendants
22 shall forthwith file a new activation schedule for the DeWitt
23 Nelson facility. The notice and reporting provisions of this
24 court's January 4, 2010 order (ECF No. 3761) shall apply in full
25 force to this project, including but not limited to monthly
26 reports as to whether the project has been or can be accelerated.
27 No interim completion dates set in the new activation schedule
28 shall be extended without leave of court.

1 2. Plaintiffs' request for a court-ordered deadline for a
2 meet and confer between the parties is denied.

3 DATED: April 18, 2014.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT