

1 XAVIER BECERRA
 Attorney General of California
 2 MONICA N. ANDERSON
 Senior Assistant Attorney General
 3 JAY C. RUSSELL
 DAMON G. McCLAIN
 4 Supervising Deputy Attorneys General
 ELISE OWENS THORN, State Bar No. 145931
 5 ANDREW M. GIBSON, State Bar No. 244330
 TYLER V. HEATH, State Bar No. 271478
 6 Deputy Attorney General
 1300 I Street, Suite 125
 7 P.O. Box 944255
 Sacramento, CA 94244-2550
 8 Telephone: (916) 210-7325
 Fax: (916) 324-5205
 9 E-mail: Tyler.Heath@doj.ca.gov
Attorneys for Defendants

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA
 12 SACRAMENTO DIVISION

15 **RALPH COLEMAN, et al.,**

16 Plaintiffs,

17 v.

18 **EDMUND G. BROWN JR., et al.,**

19 Defendants.

2:90-cv-00520 KJM-DB (PC)

**STIPULATION AND ORDER
 AMENDING THE DATE FOR
 DEFENDANTS TO FILE CDCR'S
 PSYCHIATRIST VACANCY REPORT**

20 Judge: The Hon. Kimberly J. Mueller

21 The parties, through their counsel of record, stipulate to the following:

- 22 1. On February 14, 2018, the Court ordered Defendants to file on the 15th of every
 23 month, beginning on March 15, 2018, "reports identifying the psychiatrist vacancy rates at each
 24 CDCR institution and in the aggregate systemwide" ("Report"). (ECF No. 5786 at 4.) The
 25 Reports must include the "data for psychiatrist vacancies contained in the report titled
 26 Correctional Health Care Services Mental Health Institution Vacancies: Summary by Institution
 27 by Classification." (*Id.*) Each Report must contain the "data for the preceding month." (*Id.*)
 28

1 2. At the time of the Court’s order, Defendants informed the Special Master and
2 Plaintiffs that they would be unable to provide a Report with all of the information required by
3 the Court by the 15th of the month. Specifically, because psychiatry positions are filled by both
4 civil service and registry psychiatrists, verified registry data is not available to CDCR until a few
5 weeks after the close of the month, and therefore not reportable by the 15th of each month.¹

6 3. Defendants met with the Special Master and Plaintiffs twice to discuss a potential
7 stipulation to amend the filing date for the Report. Defendants initially requested a stipulation to
8 move the filing deadline to the last court day of the month to allow them to file the Report based
9 on verified registry data. Defendants also informed the Special Master and Plaintiffs that to meet
10 the Court’s 15th filing deadline, CDCR would have to collect and rely on non-validated registry
11 data.

12 4. On March 14, 2018, the parties filed a stipulation to move the date for the February
13 2018 Report to the last court day of March 2018. The stipulation also informed the Court that
14 future Reports would be filed by the 15th to meet the Court’s Order, but, by necessity, the
15 Reports would rely on non-validated registry data. (ECF No. 5803 at 2.)

16 5. On June 15, 2018, Defendants filed an amended Report for April 2018 because “the
17 verified data for April, which only became available after May 15, showed that the number of
18 positions filled by registry in April 2018 was different from the number shown by . . . report filed
19 on May 15, 2018.” (ECF No. 5839 at 2, Ex. A.) On July 16, 2018, Defendants also filed an
20 amended Report for May 2018 because “the verified data for May, which only became available
21 after June 15, showed that the number of positions filled by registry in May 2018 was different
22 from the number shown by . . . report filed on June 15, 2018.” (ECF No. 5856, Ex. A.)
23 Defendants anticipate that future Reports will need to be amended.

24 6. Defendants can file future Reports, including the August Report that includes the data
25 from July, based on verified registry data by the last court day of each month. Moving the filing
26

27 ¹ Defendants historically provided to the Special Master and Plaintiffs comprehensive staffing
28 data, including registry data, two months after the month reported in the Correctional Health Care Services
Mental Health Institution Vacancies: Summary by Institution by Classification report currently provided
with Defendants’ monthly reports package (*i.e.*, the July report provides data from May).

[3288754.1]

1 date for the Report to the last court day of each month will prevent unnecessary amendments and
2 confusion.

3 7. Therefore, the parties request the deadline to file the Reports be amended to allow
4 CDCR to file it on the last court day of each month.

5 8. The Special Master has reviewed this stipulation and has no objection to Defendants
6 filing the psychiatry vacancy report on the last court day of each month.

7 IT IS SO STIPULATED.

8 Dated: August 14, 2018

/s/ Tyler Heath
TYLER HEATH
Deputy Attorney General
Attorneys for Defendants

/s/ Cara E. Trapani
CARA E. TRAPANI
Attorney for Plaintiffs

14 **ORDER**

15 Based on the parties' stipulation, the Court's February 14, 2018 order (ECF No. 5786), and
16 March 15, 2018 stipulation and order (ECF No. 5803) are amended to allow Defendants to file
17 CDCR's psychiatry staffing vacancy report identifying the psychiatrist vacancy rates at each
18 CDCR institution and in the aggregate systemwide by the last court day of each month.

19 IT IS SO ORDERED.

20 Dated: August 21, 2018.

21 
22 _____
23 UNITED STATES DISTRICT JUDGE