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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,
Plaintiffs,
v.
GAVIN NEWSOM, et al.,
Defendants.

No. 2:90-cv-0520 KJM DB P

ORDER

As set by court order, the court held an In Camera Midlitigation Status (Scheduling) Conference on July 20, 2021. Good cause appearing, the court by this order memorializes the following next steps based on the discussion at the July 20, 2021 conference.

I. THERAPEUTIC TREATMENT MODULES

The dispute between the parties concerning the use of therapeutic treatment modules (TTMs) in inpatient settings, *see* ECF No. 6214 at 18,¹ will be set for a settlement conference to be held over one half day. The settlement conference will be conducted in time for the parties to know by the date of the October 1, 2021 status conference, *see* ECF No. 7220,

¹ Consistent with the court’s July 9, 2019 order, ECF No. 6214, the dispute over TTMs is limited to their use in inpatient settings. Otherwise, remedial planning over the use of TTMs “is complete.” *Id.* at 18.

1 whether their current impasse can be broken or, instead, whether the court needs to set a briefing
2 schedule to resolve this dispute. Within fourteen days from the date of this order, the parties shall
3 file a joint statement outlining the issues in dispute with respect to the use of TTMs in inpatient
4 settings and identifying representatives of each party who are the key problem solvers with most
5 knowledge of the substance of issues related to the use TTMs in inpatient settings as well as those
6 individuals with final authority to sign off on any settlement, all of whom will need to be present
7 at the settlement conference. The court will assign a settlement judge to convene the settlement
8 conference and following receipt of the parties' joint statement will order the attendance of those
9 required to ensure a meaningful settlement conference.

10 II. SUICIDE PREVENTION

11 In January 2022, a settlement conference will be held on the following four topics
12 related to suicide prevention: (1) foreseeability/preventability analyses; (2) compliance with
13 Special Master's expert's recommendations; (3) enforcement of activation schedules; and (4)
14 schedule for delegation of monitoring to CDCR. On or before September 17, 2021, the parties
15 shall file a joint statement outlining the issues in dispute with respect to each of these topics and
16 identifying representatives of each party who are the key problem solvers with most knowledge
17 of the substance of each of the topics as well as those individuals with final authority to sign off
18 on any settlement, all of whom will need to be present at the settlement conference. The court
19 will set the date for this settlement conference and order attendance as required in separate orders
20 to follow.

21 III. CULTURAL COLLABORATION

22 The parties shall include in the September 17, 2021 joint statement required by this
23 order a complete explanation of their positions, jointly or separately, of the subject matter a
24 settlement conference on Cultural Collaboration should cover and which problem solvers and
25 decision makers should be present. The court anticipates setting this settlement conference to
26 occur in March 2022.

1 IV. ADDITIONAL SETTLEMENT CONFERENCES

2 At the October 1, 2021 status conference, the court will discuss with the parties a
3 schedule for additional settlement conferences on (1) management of the Enhanced Outpatient
4 Program (EOP) population, including possibilities for targeted population reduction and
5 centralized locations for continuity of mental health care; (2) patient care, including treatment
6 delivery, access to higher levels of care, and staffing, including issues related to telepsychiatry
7 and vacancies; (3) bed planning, including timing of achievement of a full complement of
8 licensed inpatient beds, including mental health crisis beds (MHCBs); decommissioning of all
9 temporary and/or unlicensed inpatient beds and MHCBs; and development of activation
10 schedules for the same; and (4) the continuous quality improvement tool (CQIT), including the
11 refinement of indicators and establishment of compliance rate(s) for the indicators.

12 The Special Master will attend each settlement conference identified above with
13 the members of his team who have the most knowledge of the subject matter to be covered.

14 IT IS SO ORDERED.

15 DATED: July 26, 2021.

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18 CHIEF UNITED STATES DISTRICT JUDGE
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