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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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

Case No. 2:90-CV-00520-KJM-DB
**STIPULATION AND ORDER
REGARDING THIRD-LEVEL DATA
DISPUTES**
Judge: Hon. Kimberly J. Mueller

1 On April 10, 2023, Defendants filed objections to the Special Master’s March 9,
2 2023 Report and Recommendations Regarding Third-Level Data Remediation Disputes
3 (ECF No. 7755 or “Third-Level Data Report”). See ECF No. 7805. Plaintiffs requested,
4 and the Court granted, leave to respond to Defendants’ objections by April 24, 2023. See
5 Apr. 17, 2023 Minute Order, ECF No. 7810. The Court required Plaintiffs to update the
6 Court on whether any of the compromises Defendants proposed in their objections
7 “suggest a resolution of outstanding disputes acceptable to Plaintiffs and that meets with
8 the approval of the Special Master.” *Id.* In light of the Court’s Order, the parties agreed to
9 meet with the Special Master team to discuss whether any of the identified disputes could
10 be narrowed based on Defendants’ proposed compromises. See ECF No. 7820 at 2. The
11 parties stipulated, and the Court ordered, a seven-day extension for Plaintiffs to respond to
12 Defendants’ objections until May 1, 2023. See Apr. 24, 2023 Minute Order, ECF
13 No. 7821. Plaintiffs filed their response on May 1, 2023. See ECF No. 7825.

14 The parties met and conferred on April 27, 2023 and reached agreement on two of
15 the four third-level data disputes before the Court, specifically the disputes pertaining to
16 the “IDTT Staffing” indicator (patient attendance and psychiatric nurse practitioner (PNP)
17 attendance). This stipulation memorializes the parties’ agreements, which the Special
18 Master has approved. The parties request that the Court approve these compromises.

19 **I. IDTT STAFFING – PATIENT ATTENDANCE**

20 The parties agree that rather than modifying the existing IDTT Staffing indicator to
21 measure patient attendance, Defendants will create a new indicator measuring whether
22 patients are attending their IDTTs. The details and methodology of that indicator will be
23 negotiated between the stakeholders during the data remediation process. Defendants
24 commit to start creating the documentation for this new indicator as soon as the
25 documentation stage is complete for the other provisionally approved indicators, and will
26 work with Plaintiffs and the Special Master to complete the IDTT Patient Attendance
27 indicator through the normal data remediation processes. The Special Master approved
28 this compromise.

1 **II. IDTT STAFFING – PSYCHIATRY NURSE PRACTITIONER (PNP)**
2 **PARTICIPATION**

3 The parties agree that Defendants will revise the existing IDTT Staffing indicator
4 methodology to count an IDTT as noncompliant if a PNP attends an IDTT for any patient
5 above the CCCMS level of care.¹ The Special Master approved this compromise.
6

7 **IT IS SO STIPULATED.**
8
9

10 DATED: May 16, 2023

Respectfully submitted,

11 ROSEN BIEN GALVAN & GRUNFELD LLP
12

13 By: /s/ Cara E. Trapani

14 Cara E. Trapani

15 Attorneys for Plaintiffs
16

17 DATED: May 16, 2023

ROB BONTA
Attorney General of California
DAMON MCCLAIN
Supervising Deputy Attorney General

20 By: /s/ Namrata Kotwani

21 NAMRATA KOTWANI
22 Deputy Attorney General
23 Attorneys for Defendants
24
25

26
27 ¹ Although not central to resolving the dispute, Defendants are exploring the creation of a
28 separate unusual events flag to measure when a PNP attends IDTTs at the EOP or higher
remediation. levels of care. This indicator would not be developed until after the end of data

1 DATED: May 16, 2023

HANSON BRIDGETT LLP

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By: /s/ Samantha Wolff
PAUL B. MELLO
SAMANTHA D. WOLFF
Attorneys for Defendants

ORDER

Having reviewed the parties’ stipulation, and good cause appearing, the Court approves the parties’ agreements regarding the IDTT Staffing – Patient Attendance dispute, and the IDTT Staffing – Psychiatric Nurse Practitioner (PNP) Participation dispute, with the understanding that the term “noncompliant” refers to noncompliance with the relevant Program Guide requirement. Accordingly, the Court deems these two disputes resolved.

IT IS SO ORDERED.

DATED: May 17, 2023.



CHIEF UNITED STATES DISTRICT JUDGE