

1 The court has set certain parameters for the September 29, 2023 hearing. *See* ECF
2 Nos. 7786, 7856, and 7861. Except as they may require further clarification, those orders are
3 confirmed.

4 In a court-ordered joint report concerning the contempt proceedings as they pertain to
5 fines resulting from non-compliance with timelines for transfer to inpatient care, filed March 21,
6 2023, the parties made the following representation:

7 The parties will file, on or before June 16, 2023, in separate submissions, their
8 respective positions regarding contempt findings and fines. The parties are assessing
9 the nature of the contempt described in the February order and reserve the right to
10 request adjustments to the plan set forth below as the facts and issues are further
11 developed. Additionally, Plaintiffs reserve the right to seek limited, expedited
12 discovery if appropriate once Defendants' anticipated defenses are known.
13 Defendants reserve the right to include briefing on the issue of whether the
14 anticipated proceedings appear to be civil or criminal in nature.

15 ECF No. 7771, at 2. Neither party has filed a submission as represented.

16 Based on the court's review, and good cause appearing, the court will direct the parties to
17 file on or before July 17, 2023 separate submissions containing their respective positions
18 regarding contempt findings and fines with respect to both timelines for transfer to inpatient care
19 and compliance with defendants' 2009 Staffing Plan and modifications thereto. Defendants shall
20 include in their submission a brief statement of any defense they anticipate raising. Any
21 additional discovery suggested by any party's submission shall be conducted so that it is
22 completed by August 29, 2023. The contempt proceedings are civil in nature, *see* ECF No. 5610
23 at 9-10; ECF No. 7742 at 3, and the court will not entertain briefing disputing the civil nature of
24 the proceedings or arguing they are in the nature of criminal proceedings.

25 In addition, on or before July 18, 2023, the parties shall file a joint statement addressing
26 the following: (1) Their respective positions on whether the court should bifurcate the hearing to
27 separate transfer timelines issues from staffing issues; and (2) If the parties agree the issues
28 should be bifurcated, which issue should proceed first.

29 The court now confirms that the parties will be allowed ten minutes of opening statement
30 for each issue. In addition, this matter will be set for pre-hearing status on Thursday August 10,
31 2023 at 10:00 a.m. in Courtroom # 3. On or before August 4, 2023, the parties shall file status

1 reports identifying with specificity the time each party anticipates for presentation of direct
2 evidence, cross-examination, and rebuttal evidence as to each issue and whether the hearing can
3 be completed in one day or, instead, whether the court will need to plan to continue the hearing
4 day by day.

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

- 6 1. On or before July 18, 2023, the parties shall file the submissions and the joint
7 statement required by this order;
- 8 2. This matter is set for pre-hearing status conference on August 10, 2023 at 10:00 a.m.
9 in Courtroom #3. On or before August 4, 2023, the parties shall file the status reports
10 required by this order; and
- 11 3. The Clerk of the Court is directed to serve a courtesy copy of this order on:

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13 Kerry K. Dean, Deputy Chief
14 United States Department of Justice
15 Civil Rights Division
16 Special Litigation Section
17 950 Pennsylvania Avenue, N.W.
18 Washington, D.C. 20530.

19 DATED: July 10, 2023.

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CHIEF UNITED STATES DISTRICT JUDGE