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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

On July 25, 2023, the court allowed the parties to file a joint statement and several declarations concerning their disputes over ongoing tours by a team of experts with Voorhis Robertson Justice Services (VRJS) and Falcon, Inc. (hereafter VRJS/Falcon). *See* ECF Nos. 7880, 7883-7893. On July 28, 2023, the court ordered defendants to immediately suspend the tours pending further discussion at the August 10, 2023 pre-hearing status conference. July 28, 2023 Order, ECF No. 7897. The court set out relevant history in that order and incorporates that history here by reference. *Id.* at 1-3.

Previously, the court has set this matter for enforcement proceedings on September 29, 2023, on two critical components of the remedy in this action: (1) timelines for transferring inmates to higher levels of care as needed, and (2) staffing of mental health care professional positions at levels sufficient to provide the required care. The court has set specific timeframes for discovery related to the September 29, 2023 proceedings. *See* March 27, 2023 Order, ECF

1 No. 7786, at 1-2; *see also* June 12, 2023 Order, ECF No. 7856, at 2-3; June 23, 2023 Order, ECF  
2 No. 7861, at 2. The court now has confirmed the September 29<sup>th</sup> proceedings, which will begin  
3 with an evidentiary hearing on the staffing issues, to be followed by a focused non-evidentiary  
4 hearing on transfer timeline issues. *See* August 11, 2023 Order, ECF No. 7916.

5 During the pre-enforcement hearing conference, the court confirmed with the parties that  
6 the VRJS/Falcon tours are unrelated to the September 29, 2023 proceedings or the discovery  
7 authorized for those proceedings. While defendants' counsel suggested defendants would be  
8 prejudiced if the tours remain suspended until conclusion of the enforcement proceedings, he did  
9 not explain in what way they would be prejudiced. It is not otherwise clear from the record which  
10 if any specific pending matters the VRJS/Falcon tours are related to or whether at this late stage  
11 of these remedial proceedings the tours are a form of discovery for which leave of court is  
12 required.

13 In this long-running case, it is critically important that all the parties' and the court's  
14 resources remain focused on preparing to address the issues presented by the upcoming  
15 enforcement proceedings. The court therefore confirms its bench order issued at the pre-  
16 enforcement hearing conference, that VRJS/Falcon tours will remain suspended until further  
17 order of court unless the parties arrive at a stipulation governing the conduct of those tours and  
18 the court approves any such stipulation. In the absence of such an approved stipulation, the court  
19 will have a further discussion with the parties about resumption of the VRJS/Falcon tours,  
20 including the schedule for motion practice as necessary, following the conclusion of proceedings  
21 beginning on September 29, 2023. The court also hereby confirms its bench order denying  
22 defendants' oral request for a stay of the continued suspension of the VRJS/Falcon tours.

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

- 24 1. The July 28, 2023 stay of the VRJS/Falcon expert tours is CONTINUED until further  
25 order of court.
- 26 2. Absent a court-approved stipulation of the parties governing resumption and conduct  
27 of the VRJS/Falcon tours, the court will further discuss with the parties possible

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1                   resumption of the VRJS/Falcon tours following the conclusion of the proceedings  
2                   beginning on September 29, 2023.

3                   3. Defendants' oral request for a stay of this order is DENIED.

4                   DATED: August 14, 2023.

  
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CHIEF UNITED STATES DISTRICT JUDGE