

1 plaintiffs seek to respond to the legal arguments and contend they have a right to contest the new
2 evidence. ECF No. 8256 at 1. Plaintiffs seek forty-five days to respond, claiming good cause is
3 shown by the “extensive expert testimony” presented by defendants, the numerous upcoming
4 deadlines in this case, other ongoing tasks in this action, and scheduled vacations. *Id.* at 2-3.

5 Defendants do not oppose plaintiffs’ request to respond to defendants’ objections and,
6 indeed, represent they will respond to plaintiffs’ filing if the court authorizes responses. ECF No.
7 8258 at 2. Defendants object to plaintiffs’ request for forty-five days to file their response,
8 contending the court should limit the time for responding given that (1) defendants shared their
9 Telemental Health Policy more than ten months ago; and (2) defendants will be prejudiced by
10 delay “particularly as they face impending contempt fines due to staffing vacancies.” *Id.*¹

11 The extent to which defendants may rely on telepsychiatry and telemental health for the
12 delivery of mental health care to class members, consistent with the Eighth Amendment, has been
13 the subject of both agreement and dispute over the past several years. As it repeatedly has noted,
14 the court has never closed the door to further expansion of defendants’ use of telepsychiatry and
15 telemental health, through appropriate means. *See, e.g.,* Rep.’s Tr. of Hr’g (RT 9/29/23) at 9–10,
16 ECF No. 8013. The Special Master’s March 21, 2024 report presents the court with the
17 opportunity to address the proper scope of that expansion. Given the significance of this issue
18 both for the adequacy of care provided to the plaintiff class and for defendants’ urgent need to
19 remedy ongoing understaffing and their proposed reliance on telemental health to aid this
20 remediation, the court sets the briefing schedule below to balance the competing interests at stake.

21 /////

22 /////

23 /////

24 /////

25 /////

¹ The court has now issued an order imposing civil contempt fines due to defendants’ ongoing noncompliance with the court’s orders to achieve constitutionally adequate mental health staffing levels. June 25, 2024 Order, ECF No. 8291.

1
2
3
4
5
6
7
8
9
10
11
12
13

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

1. Plaintiffs' June 3, 2024 Request for Leave to Respond to Defendants' Objections to the Special Master's Telemental Health Report and Revised Policy, ECF No. 8256, is granted in part.
2. On or before July 12, 2024, plaintiffs shall file and serve their response to defendants' objections, ECF No. 8253, and defendants shall file and serve their response to plaintiffs' objections, ECF No. 8252. The parties shall include in their respective briefs discussion of whether any issues raised by the briefing is pending on appeal.
3. The parties are granted until July 26, 2024. to file closing briefs.
4. The court will then submit for decision without oral argument absent further order of the court.

DATED: June 25, 2024.



CHIEF UNITED STATES DISTRICT JUDGE