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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JERRY VALDIVIA, et al.,

11 Plaintiffs,

No. CIV S-94-0671 LKK GGH

12 vs.

13 EDMUND G. BROWN, et al.,

14 Defendants.

ORDER

15 _____/
16 _____ Plaintiffs' motions to compel inspections of hearing locations for parole
17 revocation proceedings with respect to Placer and Sacramento County jails came on for hearing
18 on October 13, 2011.¹ Kenneth Walczak appeared on behalf of plaintiffs. Valerie Flood
19 represented third party Placer County. Renju Jacob appeared for defendants. Specifically at
20 issue was whether the non-parties counties should be compelled to permit plaintiffs' experts to
21 conduct informal interviews with staff at the county jails in the Counties of Placer and
22 _____

23 ¹ There was some issue as to whether the matter was properly before the undersigned
24 instead of the Special Master in this case as provisions governing the tasks of the Special Master
25 include discovery. Also not settled was the issue of whether the defendant Counties were
26 "parties" as far as the injunction was concerned, i.e., were the Counties now in privity with
CDCR especially after the recent "state realignment" concerning prisoner custody. However,
none of the parties believed that this discovery motion should be heard by the Special Master.
Accordingly, the undersigned heard the motion.

1 Sacramento while plaintiffs engage in on-site operations inspections and video recordings of the
2 hearing locations in these counties for parole revocation hearings of class members. At the
3 hearing, counsel for Placer County stated that a CDCR state representative would be present for
4 the inspections.

5 For the reasons set forth on the record at the hearing, the court makes the
6 following ORDERS:

7 1. Plaintiffs' motion to compel non-party Sacramento County to permit informal
8 interviews with Sacramento County jail staff at any site in the county where parole revocation
9 hearing location inspections are to be conducted by plaintiffs, filed on October 5, 2011 (docket #
10 1698), is denied; and

11 2. Plaintiffs' motion to compel non-party Placer County to permit informal
12 interviews with Placer County jail staff at any site in the county where plaintiffs' inspections of
13 parole hearing locations are to be conducted, filed on October 7, 2011 (docket # 1700), is denied.

14 3. Plaintiffs' experts are free to engage in informal discussions with the CDCR
15 state representative present during the inspections.

16 DATED: October 13, 2011

17 /s/ Gregory G. Hollows
18 UNITED STATES MAGISTRATE JUDGE

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