

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT HECKER, et al.,
Plaintiffs,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

No. 2:05-cv-2441 KJM DAD P

ORDER

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

This matter came on for hearing on December 8, 2014 on the joint motion of the parties for final approval of the settlement agreement reached in this matter. Following the hearing, by order filed December 22, 2014 the court directed the parties to, *inter alia*, on or before January 15, 2015, show cause in writing why the notice to the *Hecker* class should not be posted forthwith in all inpatient program units in which members of the *Coleman* class are housed or, in the alternative, certify by declaration that such notice has been posted. ECF No. 137 at 3.

On January 15, 2015, defendants filed a declaration of counsel in response to the order to show cause. Decl. of Russell, ECF No. 140. Therein, counsel avers that “the parties believe that a modified version of the preliminary notice should be posted” in the inpatient mental health housing units. ECF No. 140 ¶ 2. In relevant part, the modified notice omits reference to the fairness hearing, which has already been held, and sets a thirty day comment period, to run

1 from the date the modified notices are posted. ECF No. 140 Attachment A. Counsel represents
2 that the modified notice can be posted within five business days of issuance of an order by this
3 court to do so. ECF No. 140 ¶ 4.

4 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

5 1. The modified notice attached as Attachment A to the Declaration of Jay C.
6 Russell (ECF No. 140) is approved; and
7 2. Not later than January 22, 2015, defendants shall post the modified notice
8 approved by this order in all inpatient mental health units operated by the California Department
9 of Corrections and Rehabilitation (CDCR) and the Department of State Hospitals (DSH) in which
10 class members may be housed and shall file written certification that said notice has been posted.

11 DATED: January 16, 2015.

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UNITED STATES DISTRICT JUDGE