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33 IN THE UNITED STATES DISTRICT COURT
34
35 FOR THE EASTERN DISTRICT OF CALIFORNIA

36 L.H., A.Z., D.K., D.R., M.N., and R.C., on behalf of
37 themselves and all other similarly situated juvenile parolees
38 in California,

39 Plaintiffs,

40 vs.

41 ARNOLD SCHWARZENEGGER, Governor, State of
42 California, MATTHEW CATE, Secretary, California
43 Department of Corrections and Rehabilitation (“CDCR”);
44 SCOTT KERNAN, Undersecretary of Operations, CDCR;
45 BERNARD WARNER, Chief Deputy Secretary of the
46 Division of Juvenile Justice; RACHEL RIOS, Director,
47 Division of Juvenile Parole Operations; MARTIN HOSHINO,
48 Executive Officer of the Board of Parole Hearings (“BPH”);
49 ROBERT DOYLE, Chair of the BPH; SUSAN MELANSON,
50 HENRY AGUILAR, ASKIA ABDULMAJEED, JOSEPH
51 COMPTON, ROBERT CAMERON, JOYCE ARREDONDO,
52 MARY SCHAMER, and TRACEY ST. JULIEN,
53 Commissioners and Board Representatives; CHUCK SUPPLE,
54 Executive Officer of the Juvenile Parole Board; CDCR;
55 DIVISION OF JUVENILE JUSTICE; BOARD OF PAROLE
56 HEARINGS; and the JUVENILE PAROLE BOARD,

57 Defendants.¹

58 Case No. 2:06-CV-02042-LKK-GGH

59 **STIPULATION AND ORDER
60 REGARDING FINAL NOTICE TO
61 PLAINTIFF CLASS**

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1 THE PARTIES, BY AND THROUGH THEIR COUNSEL, HEREBY STIPULATE AS
2 FOLLOWS:

3 1. On June 16, 2008, this Court granted the parties' joint motion for preliminary
4 approval of the settlement and Stipulated Order for Permanent Injunctive Relief in this matter.
5 Pursuant to that order, the defendants caused notice of the terms of the proposed settlement, with
6 instructions on how class members could comment or object to the settlement, to be placed at
7 various parole offices and corrections facilities. On October 7, 2008, this Court entered an Order
8 granting the parties' joint motion for final approval of the settlement and Stipulated Order for
9 Permanent Injunctive Relief. With the order granting final approval of the settlement having
10 been entered, the parties agree and stipulate that a revised notice reflecting the finality of the
11 settlement should replace the preliminary notice that had been posted. The parties thus hereby
12 submit this Stipulation and Proposed Order Regarding Final Notice to Plaintiff Class.

13 2. The parties have agreed to the form of final notice to the Plaintiff Class ("Notice"),
14 and a short form and long form of the Notice are attached hereto as Exhibits A and B,
15 respectively.

16 3. Within 30 days of entry of this Stipulation and Order, or as soon thereafter as
17 practicable, the Notice shall be disseminated to the Class, substantially in the forms attached
18 hereto, by the following means:

19 (1) For California juvenile parolees who are in the community under Parole
20 supervision (all California juvenile parolees who are not in custody), a written
21 notice shall be posted in all parole field offices. Copies of the Stipulated Order for
Permanent Injunctive Relief, and large print and audio copies of the written notice
shall be available in all parole field offices.

22 (2) For members of the class who are California juvenile parolees in custody
23 as alleged parole violators, the written notice shall be (a) posted in all California
24 Division of Juvenile Justice facilities, reception centers and camps, and all
25 California prisons and reception centers, in such a manner as to make the notice
26 visible to all parolees in custody; (b) sent to all county jails, and other facilities
27 where juvenile parolees are held that are not under the direct control of Defendants
28 with instructions to post the written notice in such a manner as to make the notice
visible to all parolees in custody; (c) posted in each room where revocation serves
and hearings take place; and (d) served on parolees who are being served with
revocation charges and/or screening offers for a period of one year from the date
this Order is entered as part of their revocation documents. Copies of the
Stipulated Order for Permanent Injunctive Relief, and large print and audio copies

1 of the written notice, shall be made available in each facility, in locations such as
2 prison libraries, where Defendants require parolees to be held.

3 (3) For members of the class who are California juvenile parolees in
4 custody, having been found in violation of parole and returned to custody, the
5 written notice shall be (a) posted in all California Division of Juvenile Justice
6 facilities, reception centers, prisons, and camps, in such a manner as to make the
7 notice visible to all parolees in custody; and (b) sent to all community group
8 homes, county jails, or other facilities where juvenile parolees are held that are not
9 under the direct control of Defendants with instructions to post the written notice in
10 such a manner as to make the notice visible to all parolees in custody. Copies of
11 the Stipulated Order for Permanent Injunctive Relief, and large print and audio
12 copies of the written notice, shall be made available in each facility, in locations
13 such as prison libraries, where Defendants require parolees to be held.

14 (4) The Notice and the Stipulated Order for Permanent Injunctive Relief
15 shall be posted on the DJJ web site and made available for public review and
16 downloading.

17 4. Wherever the short and long written Notice are posted or available in English, they
18 shall also be made available in Spanish.

19 5. The expense of giving notice to the class members shall be paid by the Defendants.
20 Dissemination of the Notice as provided above is hereby authorized and approved, and satisfies
21 the notice requirement of Rule 23, Federal Rules of Civil Procedure, the Constitution of the
22 United States, due process, and any other applicable rule(s) of this Court.

23 6. No later than 35 days after entry of this Order by the Court, Defendants shall file
24 and serve on Plaintiffs' counsel an affidavit affirming that they published the Notice as required
in this Order.

25 7. Having agreed to a form of notice to the Plaintiff Class and the method of its
26 publication, the undersigned parties respectfully request that this Court enter the above
27 agreement as an Order.

28 **IT IS SO STIPULATED.**

29 DATED: February 6, 2009

30 ROSEN, BIEN & GALVAN, LLP

31 By: /s/ Gay Crosthwait Grunfeld
32 Gay Crosthwait Grunfeld
33 Attorneys for Plaintiffs

1 DATED: February 6, 2009

BINGHAM MCCUTCHEN, LLP

2 By: /s/ Geoffrey T. Holtz
3 Geoffrey T. Holtz
4 Attorneys for Plaintiffs

5 DATED: February 6, 2009

YOUTH LAW CENTER

6 By: /s/ Susan Burrell
7 Susan Burrell
8 Attorneys for Plaintiffs

9 DATED: February 6, 2009

HANSEN BRIDGETT, LLP

10 By: /s/ Paul Mello
11 Paul Mello
12 Attorneys for Defendants

13

14 **[PROPOSED] ORDER**

15 Good cause appearing, the Notice to Plaintiff Class attached hereto as Exhibits A and B
16 shall be published in the manner described above, and Defendants shall file and serve an affidavit
17 affirming that they published the Notice as required in this Order by no later than 30 days after
18 entry of this Order.

19 **IT IS SO ORDERED.**

20

21 DATED: February 9, 2009

22

23 
24 LAWRENCE K. KARLTON
25 SENIOR JUDGE
26 UNITED STATES DISTRICT COURT