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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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SACRAMENTO DIVISION JUDICIAL DISTRICT

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CASE NO. CIV S-07-2291 LKK GGH P

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LEVON GRAHAM,

**ORDER REGARDING LEVON
GRAHAM'S RECEIPT OF TELEPHONE
CALLS FROM COUNSEL**

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Plaintiff,

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v.

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D. L. RUNNELS, ET AL.,

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Defendants.

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1 Plaintiff's counsel has requested that the court order Salinas Valley State Prison
2 ("SVSP") to provide five, confidential telephonic discussions between counsel and client for
3 purposes of preparing an opposition to summary judgment pursuant to the following schedule:

- 4 • Wednesday, November 2, 2011 at 2:00 p.m.;
- 5 • Wednesday, November 23, 2011 at 2:00 p.m.;
- 6 • Wednesday, November 30, 2011 at 2:00 p.m.;
- 7 • Monday, December 5, 2011 at 2:00 p.m.; and
- 8 • Wednesday, December 7, 2011 at 2:00 p.m.

9 Counsel asks that each call be for a proposed maximum 90 minute period. The remaining
10 defendant doctors have not responded to oppose this request, although the logistics of such
11 would not appear to be within their purview. The litigation coordinator has refused to arrange
12 these telephone conferences without court order (she permitted one already).

13 In the absence of a response from defendants or the litigation coordinator, the court will
14 not deny all requests. However, it does appear that the amount of requests are excessive in that
15 each request will require the prison to interrupt normal programming for these special telephone
16 calls. Moreover, plaintiff's counsel does not indicate why confidential mail cannot suffice for
17 some contact. Finally, a good deal of the opposition will not center around plaintiff's
18 allegations, but will involve the medical record and any experts who opine on such.

19 For the following reasons:

20 IT IS HEREBY ORDERED that the Salinas Valley State Prison shall provide Plaintiff,
21 Levon Graham (P74846), confidential telephone access on the following dates and times for
22 purposes of receiving telephone calls from counsel that shall not exceed ninety (90) minutes in
23 duration:

- 24 • Wednesday, November 2, 2011 at 2:00 p.m.;
 - 25 • Wednesday, November 23, 2011 at 2:00 p.m.; and
 - 26 • Monday, December 5, 2011 at 2:00 p.m.; and
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1 If despite good faith efforts to comply with this schedule SVSP cannot make Mr. Graham
2 available for any of these scheduled calls, SVSP must provide counsel with reasonable advance
3 notice of the conflict and cooperate with counsel to reschedule the call to be held within 24 hours
4 of the scheduled time.

5 Plaintiff's counsel shall serve this order on the litigation coordinator.

6 **IT IS SO ORDERED.**

8 DATED: October 17, 2011 /s/ Gregory G. Hollows

9 _____
10 GREGORY G. HOLLOWS
11 UNITED STATES MAGISTRATE JUDGE

12 Grah2291.ord

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