

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

DERRICK CLARK,

No. C 96-1486 CRB (NJV)

Plaintiff,

ORDER

STATE OF CALIFORNIA et al.,

Defendants.

The court having reviewed the letter briefs submitted by the parties and heard the oral arguments presented at the hearing, ORDERS that CDCR allow counsel for the CLARK Class members who are now housed at the R.J. Donovan facility located in Southern California access to their inmate clients' central files and unit health records in order to prepare for the evidentiary hearing to be set before Judge Breyer on January 12, 2010.

Review of these files shall be conducted during regular business hours of the institution and with the least amount of disruption to staff at said facility. The court denies defendants' request that a protective order be issued for these documents pursuant to FRCP 26(c). The court further orders that plaintiffs be allowed to take eleven depositions, one over the number of depositions previously allowed by the court. Any request for further depositions over the eleven now ordered must be by written motion or ordered by Judge Breyer. The parties are further ordered to meet and confer regarding the time and place of these depositions and the production of the above discovery.

This ruling is premised on CDCR Operations Manual Section 13030.21 which contemplates

1 court ordered review of inmate medical files, and the amended discovery order in this matter signed
2 by Judge Breyer which states in part that:

3 4) Defendants agree to allow plaintiffs to conduct client interviews and file reviews (central and
4 medical files) at the following institutions . . . R.J. Donovan Correctional Facility.

5 Further the court finds that the request of plaintiffs counsel is not prospective relief under the
6 PLRA see Madrid v. Gomez, 940 F.Supp. 217 (N.D. 1996).

7 SO ORDERED:

8 DATED: December 2, 2009



NANDOR J. VADAS
United States Magistrate Judge

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28