

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

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4 EMMA C., et al.,  
5 Plaintiffs,  
6 v.  
7 DELAINE EASTIN, et al.,  
8 Defendants.

Case No. 96-cv-04179-TEH

**ORDER RE: STATE DEFENDANTS’  
RESPONSE ON REQUEST FOR  
CLARIFICATION OF BUDGET  
ORDER**

United States District Court  
Northern District of California

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10 The Court issued its Budget Order for the 2015-16 fiscal year on June 18, 2015.  
11 (Docket Nos. 2064-65). State Defendants filed a request for clarification of the Budget  
12 Order on June 23. (Docket No. 2067). The Court responded to that request and afforded  
13 State Defendants an opportunity to file a responsive brief regarding the State’s position on  
14 the allocation of the Court Monitor’s Budget. (Docket No. 2069). State Defendants filed  
15 their response, which conceded the issues surrounding the current budget and instead  
16 proposed modifications to the budget process for future years. (Docket No. 2076).

17 Specifically, State Defendants request “that the Court advance the budget  
18 negotiation process so that any future budget is submitted to the Court for approval no later  
19 than the November before the next fiscal year.” Resp. at 3. State Defendants explain that  
20 the state Department of Finance “requires details about the upcoming fiscal year’s budget  
21 to be submitted by the November before the next fiscal year,” and that CDE “must provide  
22 requests for adjustments to the budget to the State Legislature by the January before the  
23 next fiscal year.” *Id.*


24 While the Court recognizes the budgetary constraints faced by all of the defendants  
25 in this case, it is unclear what changed circumstances have prompted State Defendants’ to  
26 request such a drastic change to the budget process. Currently, the budget process begins  
27 in the Spring before the fiscal year with the submission of proposed budgets by District  
28 Defendant and the Court Monitor, followed by a meet and confer process between State

1 and District Defendants. The procedural constraints raised in State Defendants' response  
2 do not appear to have been an issue in the past. Furthermore, the Court is concerned that a  
3 budget submission deadline eight months before the beginning of the fiscal year is far too  
4 early for the Parties to meaningfully assess and predict budgetary needs and resources.  
5 This appears to be especially true during this highly transitional period, as Ravenswood is  
6 positioned to achieve compliance with an increasing number of RSIP requirements.

7 The Court suspects that the other Parties in this case may have an opinion on the  
8 suggested modifications to the budget process. Consequently, if State Defendants wish to  
9 formally propose these modifications, they should meet and confer with the other Parties  
10 and file a noticed motion so that District Defendant and Plaintiffs have an opportunity to  
11 be heard on the issue. This motion should include an explanation of the changed  
12 circumstances giving rise to this request. The Court reserves judgment on State  
13 Defendants' proposal until that time.

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15 **IT IS SO ORDERED.**

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17 Dated: 07/08/15

  
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THELTON E. HENDERSON  
United States District Judge

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