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

CARLOS PEREZ, et al.

No. 05-05241 JSW

Plaintiffs,

v.

MATTHEW CATE, et al.,

Defendants.

**ORDER DENYING
DEFENDANT'S
ADMINISTRATIVE MOTION TO
ENLARGE TIME AND
ADVANCING HEARING DATE
ON PLAINTIFF'S MOTION FOR
ORDER ENFORCING
STIPULATED INJUNCTION**

Now before the Court for consideration is Defendants' administrative motion to continue the hearing date and enlarge the briefing schedule on Plaintiffs' motion for an order enforcing the Stipulated Injunction and Order re Court Experts. Defendants move for a continuance on the basis that the lead Deputy Attorney General on this matter, Charles Antonen, will be unavailable on October 31, 2008, the date on which Plaintiffs have noticed their motion for hearing. Defendants also contend that Plaintiffs motion raises complicated issues and that, therefore, an expedited hearing is not feasible. Plaintiffs oppose the motion and argue that although Mr. Antonen will not be available on October 31, 2008, he would be able to prepare the opposition brief. Plaintiffs also note that Rochelle East, Senior Assistant Attorney General, has been involved in the discussion of the issues raised by Plaintiffs' motion.

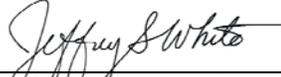
In brief, Plaintiffs' motion for enforcement seeks an Order from this Court permitting the Court appointed experts and court representatives, Dr. Jay Shulman and Dr. Joseph Scalzo, to review dental files for certain inmates, a revised screening procedure for prisoners who are to be transferred out-of-state, and a procedure for monitoring the dental care at out-of-state

1 prisons. Plaintiffs seek this relief because they have concerns that members of the class are
2 being transferred out-of-state and because the Court experts had opined on a previous occasion
3 that the Defendants' screening procedures were not adequate. The Court has ordered the parties
4 to meet and confer on the issues of out-of-state transfer in anticipation of the possibility that
5 Plaintiffs may seek to amend the Stipulated Injunction.

6 The Court does not find good cause to grant Defendants' request for a continuance.
7 Accordingly, their administrative motion is DENIED. Further, the Court believes that this issue
8 should be resolved expeditiously. Accordingly, the Court HEREBY ORDERS that Defendant's
9 opposition shall be due on October 8, 2008. In their opposition, the Defendants should be
10 prepared to address the impact, if any, of the Court's Order appointing the Court Experts as
11 Court Representatives on Plaintiffs' request. Plaintiff's Reply shall be due on October 14,
12 2008. The Court shall hold a hearing on **Monday October 20, 2008 at 10:00 a.m.** The Court
13 requests that the Court experts be present for the hearing, either in person or by telephone. If
14 they intend to appear by telephone, they should contact the Court's Courtroom Deputy, Jennifer
15 Ottolini, at 415-522-4173 and provide her with a landline at which they may be reached on the
16 day of the hearing.

17 **IT IS SO ORDERED.**

18
19 Dated: October 1, 2008



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE