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 13 IN THE UNITED STATES DISTRICT COURT  
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

17 **CARLOS PEREZ,**

Plaintiff,

19 v.

21 **MATTHEW CATE, et al.,**

22 Defendants.

C 05-05241 JSW

**STIPULATION AND ~~PROPOSED~~  
 ORDER RE: DISMISSAL OF CASE  
 WITH PREJUDICE AND  
 TERMINATION OF ALL PROVISIONS  
 OF CONSENT DECREE EXCEPT  
 PROVISION RELATED TO  
 RENOVATION PROJECTS**

Judge: The Honorable Jeffrey S. White

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 25 This is a §1983 class-action lawsuit concerning the provision of dental care to inmates in  
 26 California. Plaintiffs filed the complaint in December 2005, alleging that the California  
 27 Department of Corrections and Rehabilitation (CDCR) was not providing inmates with  
 28 constitutionally adequate dental care, as required by the Eighth Amendment. (*See Court Docket*

1 No. 1, Compl.) The parties reached a settlement, and on August 21, 2006, this Court approved  
2 the parties' settlement and a consent decree was entered. (Court Docket No. 68, Order Granting  
3 Motion for Final Approval of Settlement; Court Docket No. 69, Amended Stipulation and Order.)

4 The parties agree that Defendants have satisfied every obligation under the consent decree  
5 except for the completion of renovation projects at some of the prison's dental clinics. A  
6 comprehensive system is now in place to ensure that inmate-patients receive constitutionally  
7 adequate dental care, and all institutions have passed the Court experts' audits with high scores.  
8 On that basis, the parties agree to dismiss the case with prejudice and further agree that all  
9 provisions of the consent decree shall be terminated except for the provision of paragraph 12  
10 related to the renovation projects. (Court Docket No. 69, Amended Stipulation and Order.)  
11 CDCR shall comply with paragraph 12 by completing necessary construction according to the  
12 Implementation Plan. Defendants will provide Plaintiffs with quarterly updates on the renovation  
13 projects.

14 Once the case is dismissed with prejudice, the parties agree that the Court will retain  
15 jurisdiction over this case to enforce the sole remaining dental clinic renovation provision of the  
16 consent decree. If Defendants do not substantially comply with this remaining portion of the  
17 consent decree, Plaintiffs may seek to enforce this sole provision of the decree with the Court.  
18 Defendants will notify Plaintiffs and the Court upon final completion of the renovation projects.  
19 This remaining portion of the consent decree will automatically terminate 60 days after  
20 Defendants file the notification, unless Plaintiffs object to the notification.

21 IT IS SO STIPULATED.

22 Dated: August 15, 2012

Respectfully submitted,

23 KAMALA D. HARRIS  
24 Attorney General of California

25 s/Marisa Y. Kirschenbauer  
26 MARISA Y. KIRSCHENBAUER  
27 Deputy Attorney General  
28 *Attorneys for Defendants*

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Dated: August 15, 2012

*s/Alison Hardy*  
ALISON HARDY  
Prison Law Office  
*Attorney for Plaintiffs*

I, Marisa Kirschenbauer, attest that Alison Hardy authorized the filing of this document on August 15, 2012.

**PURSUANT TO THIS STIPULATION, IT IS SO ORDERED. THE CASE IS DISMISSED WITH PREJUDICE, AND THE CONSENT DECREE IS TERMINATED IN ALL RESPECTS EXCEPT FOR THE PROVISION OF PARAGRAPH 12 RELATED TO THE RENOVATION PROJECTS. THE COURT RETAINS JURISDICTION TO ENFORCE THIS REMAINING COMPONENT OF THE CONSENT DECREE.**

Dated: August 20, 2012

  
JEFFREY S. WHITE  
United States District Court

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