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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

ASHKER, et al., on their own behalf, and on behalf  
of a class of similarly situated prisoners,  
  
Plaintiffs,  
  
v.  
  
GOVERNOR OF THE STATE OF CALIFORNIA,  
et al.,  
  
Defendants.

Case No. 4:09 CV 05796 CW (NJV)  
  
**ORDER REGARDING MENTAL-  
HEALTH EXAMINATIONS**

1 After due consideration of the positions articulated by Plaintiffs and by Defendants in their  
2 letters of December 27, 2013, December 30, 2013, January 2, 2014, and during a telephonic hearing  
3 on January 3, 2014, the Court finds good cause to grant in part and deny in part the discovery relief  
4 sought by Plaintiffs, as follows.

5 IT IS HEREBY ORDERED that:

6 1. Defendants shall facilitate access by Dr. Craig Haney to interview the twenty-five  
7 (25) Pelican Bay inmates identified by Plaintiffs' counsel pursuant to the Court's July 12, 2013  
8 discovery order by no later than January 31, 2014. As of the date of this Order, Plaintiffs have  
9 identified nineteen (19) Pelican Bay inmates alleged to have consented to being interviewed by Dr.  
10 Haney. Once Plaintiffs' counsel identifies the additional six (6) Pelican Bay inmates that consent to  
11 being interviewed with Dr. Haney, counsel for the parties will confer regarding the scheduling of  
12 those additional interviews.

13 2. By no later than 5 p.m. on January 6, 2014, Pelican Bay staff shall hand-deliver to  
14 each of the nineteen (19) inmates from whom Plaintiffs' counsel contend to have previously  
15 obtained medical releases, CDCR Form No. 7385 entitled "Authorization for Release of  
16 Information," so that the inmates, rather than Plaintiffs' counsel, may complete, date, and execute  
17 the forms for the release of the medical records that Plaintiffs have sought from such inmates.

18 3. Defendants' and Plaintiffs' mental-health experts may use the C-files and medical  
19 records of Plaintiffs to make inquiry during Plaintiffs' mental-health examinations. The experts may  
20 also inquire as to Plaintiffs' day-to-day activities, including, but not limited to, activities in which  
21 Plaintiffs engage that Defendants contend to be in furtherance of Plaintiffs' current membership or  
22 association with a prison gang. The experts are restricted, however, from asking whether Plaintiffs  
23 are currently gang members or associates.

24 4. The parties shall exchange copies of any notes taken by their respective mental-health  
25 experts during the course of interviewing or evaluating the named Plaintiffs, including any written  
26 record of Dr. Morgan's examinations of the Plaintiffs that are set to begin on January 6, 2014, by no  
27 later than January 13, 2014. This includes any notes of or written record taken by Dr. Craig Haney  
28 and Dr. Terry Kupers in connection with any interview or evaluation of each named Plaintiff.

