

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANGEL DE JESUS ZEPEDA RIVAS, et
al.,

Plaintiffs,

v.

DAVID JENNINGS, et al.,

Defendants.

Case No. 20-cv-02731-VC

**ORDER TO CREATE WRITTEN
PLAN TO IMPROVE MEDICAL
ASSISTANCE FOR COVID POSITIVE
DETAINEES**

The defendants are ordered to create a written plan to improve their system of monitoring, caring for, and responding to medical assistance requests from detainees who have tested positive and who have health conditions that the CDC has identified as creating an elevated risk of complications. They should consult CDC and IHSC guidelines, but keep in mind that these recommendations were not designed to deal with the current situation at Mesa Verde, where over half of detainees have tested positive for Covid-19. The written plan should address, at a minimum, how the defendants will provide information to detainees (including non-English speaking individuals) about managing and responding to symptoms, and how the defendants will ensure that they respond promptly to sick detainees requesting medical assistance.

The defendants are ordered to submit a draft of the plan to class counsel by noon on Wednesday, August 26, 2020. The defendants and class counsel are ordered to confer in detail about the draft, and the defendants are ordered to give serious consideration to any suggestions by class counsel for how to improve the plan. The Court hopes and expects that the parties will

reach agreement on an appropriate plan. The defendants must file a final draft of the plan on the docket by Monday, August 31, 2020 at 5 p.m. If the plaintiffs disagree that the final plan is adequate, they may file objections to it by Wednesday, September 2 at 5 p.m.

In addition, the defendants are ordered to produce to class counsel a copy of the contract between Geo and Wellpath. This production must be completed by Monday, August 24 at 5 p.m., and it can be pursuant to a protective order if necessary.

Staff who have previously tested positive need not receive a negative test result before returning to work, so long as the defendants follow the CDC guidelines for returning to work based on lack of symptoms and passage of time.

Finally, to the extent that the defendants are continuing, despite the Court's comments at the most recent status conference, to require detainees who are sick with Covid-19 to clean facilities in Dorm B, they are ordered to institute alternative cleaning arrangements by no later than Monday, August 24.

IT IS SO ORDERED.

Dated: August 21, 2020



VINCE CHHABRIA
United States District Judge