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ENDORSED
FILED
ALAMEDA COUNTY

FEB 25 2016

CLERK OF THE SUPERIOR COURT
By S. McMullen
Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ALAMEDA

14 MARGARET FARRELL,

Plaintiff,

16 v.

18 SCOTT KERNAN,

Defendant.

Case No. RG 03079344

STIPULATION AND ~~[Proposed]~~ ORDER
DISMISSING CONSENT DECREE WITH
PREJUDICE

Date: February 25, 2016
Time: 10:00 a.m.
Dept: 18
Judge: The Honorable Kimberly E.
Colwell
Trial Date: None
Action Filed: January 16, 2003

22 This is an action concerning conditions of confinement for juveniles housed by the
23 California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice
24 (DJJ). Plaintiff filed a complaint against defendant Secretary of CDCR for injunctive and
25 declaratory relief to prohibit the illegal expenditure of taxpayer funds on policies, procedures, and
26 practices that plaintiff alleged were unlawful under state law. The parties entered a Consent
27 Decree, which this Court approved on November 19, 2004. Under the Consent Decree and
28

1 subsequent related orders, defendant was required, to develop and implement detailed remedial
2 plans to address specific deficiencies identified in the plans. (*See* Consent Decree ¶ 8.)

3 This Court has already terminated the Health Care Remedial Plan, including Dental Care
4 (Order, October 18, 2012 and Order, February 15, 2013), the Wards with Disabilities Remedial
5 Plan (Order, August 7, 2013), the Sex Behavior Treatment Program Remedial Plan (Order,
6 October 7, 2013), the Education Remedial Plan (Order, July 18, 2013 and Order, March 6, 2015),
7 and with specific exceptions, the Safety and Welfare Remedial Plan (Order, March 6, 2015).

8 The parties now agree that defendant has substantially satisfied every obligation under the
9 only remaining remedial plans still in effect: the Safety and Welfare Remedial Plan, the Mental
10 Health Remedial Plan, and those portions of the Consent Decree related to Mental Health and
11 Safety and Welfare. A comprehensive system is now in place to ensure that the DJJ provides for
12 adequate and effective care, treatment, and rehabilitative services under the California
13 Constitution and State law. On these bases and because this Court previously dismissed all other
14 remedial plans, the parties agree to dismiss this case with prejudice and further agree that all
15 provisions of the Remedial Plans, Consent Decree, and other Orders shall be terminated.


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1 In accord with California Code of Civil Procedure § 368.5, this case shall be known as
2 *Farrell v. Kernan.*

3 **IT IS SO STIPULATED AND AGREED:**

4 Dated: 2/25/16

OFFICE OF THE ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA

6
7 By: 
8 WILLIAM C. KWONG
9 VAN KAMBERIAN
Deputy Attorneys General
Attorneys for Defendant

10 Dated: 2/25/16


PRISON LAW OFFICE

12
13 By: 
14 DONALD SPECTER
SARA NORMAN
Attorneys for Plaintiff

15 **IT IS SO ORDERED.**

16 Dated: 2/25/2016

ALAMEDA COUNTY SUPERIOR COURT

18
19 By: 
20 KIMBERLY COLWELL
21 JUDGE OF THE SUPERIOR COURT

22
23 SA2003100243