

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURTS
FOR THE EASTERN DISTRICT OF CALIFORNIA
AND THE NORTHERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,
Plaintiffs,

No. CIV S-90-0520 LKK JFM P (E.D.Cal.)

vs.

ARNOLD SCHWARZENEGGER,
et al.,
Defendants.

MARCIANO PLATA, et al.,
Plaintiffs,

No. C 01-1351 TEH (N.D.Cal.)

vs.

ARNOLD SCHWARZENEGGER,
et al.,
Defendants.

CARLOS PEREZ, et al.,
Plaintiffs,

No. C 05-05241 JSW (N.D.Cal.)

vs.

JAMES TILTON, et al.,
Defendants.

1 JOHN ARMSTRONG, et al.,

2 Plaintiffs,

No. C 94-2307 CW (N.D.Cal.)

3 v.

4 ARNOLD SCHWARZENEGGER,
5 et al.,

ORDER

6 Defendants.

7 The Receiver in Plata, the Special Master in Coleman, and the Court
8 Representatives in Perez and Armstrong have presented to the judges in the above-captioned
9 cases for review and approval an agreement that they have reached during the coordination
10 meetings that they have held to date. By order filed November 13, 2007, the parties in the
11 above-captioned cases were granted until November 26, 2007, to show cause why the attached
12 agreement should not be adopted as an order of the court. On November 26, 2007, all parties
13 filed responses to the order to show cause. Thereafter, by order filed November 30, 2007, the
14 Plata Receiver, at his request, was granted fifteen days to file a response to the responses filed by
15 the parties. The Receiver's response was filed on December 17, 2007.

16 The undersigned have reviewed, individually and jointly, the responses of the
17 parties and of the Receiver. Good cause appearing, the construction agreement will be approved,
18 subject to the following conditions. The Receiver shall file quarterly reports in each of the
19 above-captioned cases concerning developments pertaining to the matters that are the subject of
20 the construction agreement. In addition, the Receiver has indicated that he will be prepared to
21 meet with the parties within the next sixty days concerning the status of the construction of 5,000
22 mental health beds and 5,000 medical beds that is the subject of paragraph 3 of the construction
23 agreement. That will be the order of the undersigned.

24 In accordance with the above, IT IS HEREBY ORDERED that:

- 25 1. The construction agreement appended to this order is approved;


26 /////

1 2. The Plata Receiver shall file quarterly reports in each of the above-captioned
2 cases concerning developments pertaining to matters that are the subject of the construction
3 agreement;


4 3. The first such quarterly report shall be filed on or before March 15, 2008; and

5 4. Within sixty days from the date of this order the Plata Receiver shall meet with
6 the parties to all of the above-captioned actions, the Coleman Special Master, and the Perez and
7 Armstrong court representatives concerning the status of the construction of 5,000 mental health
8 beds and 5,000 medical beds that is the subject of paragraph 3 of the construction agreement.


9
10
11 DATED: 02/26/08


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA


12
13
14
15 DATED: 02/26/08


THELTON E. HENDERSON
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

16
17
18
19 DATED: 02/26/08


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

20
21
22
23 DATED: 02/26/08


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

1 **CONSTRUCTION**

2 The Receiver in *Plata* has begun to implement three separate but related construction projects:

- 3 A. The construction of a medical center at San Quentin State Prison;
- 4 B. The addition of needed temporary and permanent clinical, office, supply, and record
- 5 space at existing California Department of Corrections and Rehabilitation (CDCR) adult
- 6 prisons; and
- 7 C. The construction of approximately 5,000 additional CDCR medical beds and
- 8 approximately 5,000 CDCR mental health beds.¹

9 The Office of the Receiver will assume leadership responsibility for each of the above referenced

10 projects.

11 1. San Quentin Medical Center. The *Plata* receivership is the project lead for the San Quentin

12 construction. The Medical Center, which has already been designed and for which construction has

13 commenced, will provide additional reception, clinical, treatment, and office space for CDCR

14 medical, mental health, and dental personnel. Medical Center facilities will be ADA compliant.

15 Court representatives from *Perez* and *Coleman* as well as CDCR mental health and dental officials

16 have been active participants in the design stage for this construction. The State has determined that

17 funding for the San Quentin Medical Center will be provided through Assembly Bill (AB) 900

18 funds.

19 2. Additional temporary and permanent clinical, office, supply, and record space at CDCR prisons.

20 The *Plata* receivership is the project lead for the additional medical construction projects at existing

21 CDCR institutions. The Receiver is in the process of implementing his initial prison upgrade project

22 at Avenal State Prison. Court representatives from *Coleman* and *Perez* have participated in this

23 initial effort. The upgrades anticipated will be primarily medical; however the upgrades will be

24 ADA compliant and will consider, when possible, some of the additional space needs of the CDCR

25 mental health and dental programs. In this regard, the Court representatives in *Armstrong*, *Coleman*,

26 and *Perez* agree to work with the Receiver by exploring with CDCR and their respective courts ways

to effectuate the funding necessary for their specific programs in a timely and effective manner.

This project will *not* involve the construction of the additional dental facilities necessary to

effectuate the *Perez* roll-outs.

3. The construction of approximately 5,000 additional CDCR medical beds and approximately

5,000 CDCR mental health beds. The *Plata* receivership is the project lead for the 5,000/10,000 bed

construction project. URS Corporation, Bovis Lend Lease, Brookwood Program Management, Lee

Burkhard Liu, and Robert Glass & Associates will serve as the Receiver's Project Coordinator for

5,000/10,000 bed construction. The initial planning for design, site selection, and patient

demographics will commence during August 2007.

Based on an initial review of the patient demographics by the Abt study, the Receiver anticipates

that the majority of medical beds constructed will not be licensed. Given the significant need to

¹ The actual number of medical and mental health beds to be constructed by the Receiver will depend upon site selection, contingency issues, determinations concerning what year to build out to, as well as possible coordination of construction with CDCR's AB 900 building projects.

1 coordinate the long-term treatment and care of mentally ill patients who also have serious medical
2 problems, there exist both strong patient care and fiscal incentives to plan, design, and construct
3 health care facilities that will effectuate coordinated medical and mental health treatment.
4 Therefore, participation by *Coleman* representatives in this construction program is imperative.
5 Likewise, the special needs of disabled and elderly prisoner/patients, who represent a significant
6 number of patients who require improved housing, warrant participation by an expert in accessibility
7 for persons with disabilities. The Court expert in *Armstrong* and the Receiver in *Plata* mutually
8 selected such an expert who will be added to the program and who will communicate with both the
9 *Armstrong* court expert and the Receiver about his recommendations. The new facilities will be
10 designed and built to be in full compliance with applicable ADA requirements for both staff and
11 inmates, including applicable accessibility provisions of the ADA Accessibility Guidelines, the
12 Uniform Federal Accessibility Standards, and California Code of Regulations, Title 24, Part 2,
13 California Building Code (CBC). The Receiver also intends to construct adequate dental clinics and
14 other necessary dental program space in order to provide Perez standards of care for the
15 prisoner/patients housed in the 5,000/10,000 bed facilities. Therefore, participation by a *Perez*
16 representative will be necessary to coordinate dental construction design and planning. In this
17 regard, the Court representatives in *Armstrong*, *Coleman*, and *Perez* agree to work with the Receiver
18 by exploring with CDCR and their respective courts ways to effectuate the funding necessary for
19 their specific programs in a timely and effective manner.

20
21 This project will *not* involve the construction of the additional dental facilities necessary to
22 effectuate the *Perez* roll-outs.

23
24 The State has determined that funding for an 8,000-beds construction project will be provided
25 through AB 900 funds. The *Coleman* Special Master and the *Plata* Receiver have indicated that
26 up to 10,000 beds may be necessary. Whether the projected funding is adequate for the
27 necessary construction will be determined by the Receiver after site selection issues,
28 coordination issues, and design issues are resolved.