

1 XAVIER BECERRA, State Bar No. 118517  
2 Attorney General of California  
3 MONICA N. ANDERSON, State Bar No. 182970  
Senior Assistant Attorney General  
4 ADRIANO HRVATIN, State Bar No. 220909  
Supervising Deputy Attorney General  
ELISE OWENS THORN, State Bar No. 145931  
5 KYLE A. LEWIS, State Bar No. 201041  
LUCAS HENNES, State Bar No. 278361  
NAMRATA KOTWANI, State Bar No. 308741  
6 Deputy Attorneys General  
1300 I Street, Suite 125  
7 P.O. Box 944255  
Sacramento, CA 94244-2550  
8 Telephone: (916) 210-7318  
Fax: (916) 324-5205  
9 E-mail: Elise.Thorn@doj.ca.gov  
*Attorneys for Defendants*

10 HANSON BRIDGETT LLP  
11 PAUL B. MELLO, SBN 179755  
SAMANTHA D. WOLFF, SBN 240280  
12 LAUREL E. O'CONNOR, SBN 305478  
DAVID C. CASARRUBIAS, SBN 321994  
13 1676 N. CALIFORNIA BLVD., SUITE 620  
WALNUT CREEK, CALIFORNIA 94596  
14 TELEPHONE: 925-746-8460  
FACSIMILE: 925-746-8490  
15 *Attorneys for Defendants*

16

17 IN THE UNITED STATES DISTRICT COURT  
18 FOR THE EASTERN DISTRICT OF CALIFORNIA  
19 SACRAMENTO DIVISION

20  
21 **RALPH COLEMAN, et al.,**

Plaintiffs,

22  
23 v.

24  
25 **GAVIN NEWSOM, et al.,**

Defendants.

26  
27  
28 Case No. 2:90-cv-00520 KJM-DB (PC)

**STIPULATION AND ORDER  
IDENTIFYING QUARANTINE SPACE  
FOR EOP AND PIP PATIENTS**

Judge: Hon. Kimberly J. Mueller

1 The parties, through their counsel, Stipulate as follows:

2       In order to allow each institution to follow public health guidance on isolating and  
3 quarantining patients in the event of a COVID-19 outbreak, on July 22, 2020, the Plata court  
4 ordered the California Department of Corrections and Rehabilitation (CDCR) to identify and set  
5 aside sufficient quarantine and isolation space at each institution. During the Coleman COVID-  
6 19 Taskforce meetings in August and September 2020, Plaintiffs raised concerns about whether  
7 CDCR has set aside sufficient quarantine space for class members in the Enhanced Outpatient  
8 Program level of care and higher. Plaintiffs filed an enforcement motion regarding quarantine  
9 space on September 25, 2020 (ECF No. 6887), which Defendants opposed on September 29,  
10 2020 (ECF No. 6890).

11       In lieu of continuing to litigate the enforcement motion, the parties agreed to meet and  
12 confer about quarantine space for Coleman class members and met on October 5, October 15,  
13 October 27, and November 10, 2020. During those meetings, the parties discussed where  
14 Enhanced Outpatient Program (EOP) and Psychiatric Inpatient Program (PIP) class members  
15 would be housed at each of the fifteen EOP institutions. The parties also discussed the  
16 development of policies governing programming and treatment of EOP class members housed in  
17 set-aside quarantine units. As a result of those meetings, the parties make the following  
18 agreements:

19       1) Patients in the EOP level of care or higher housed under quarantine in an institution's  
20 set-aside quarantine space will either be clustered together within one area within the separate  
21 quarantine unit or placed in sections or pods of the quarantine unit that are separate from other  
22 non-EOP inmates. For each of the fifteen EOP institutions, the parties identified where EOP  
23 patients will be housed within the set-aside quarantine space. That agreement is reflected in  
24 Attachment A to this stipulation. In the event of an outbreak, non-EOP patients may be  
25 overflowed into EOP sections or pods of the set-aside space, however, EOP patients will be  
26 clustered together in the event of such a large outbreak. These locations and practices are also  
27 subject to change in the event of an emergency, large outbreaks, or if recommended by the  
28

1 Receiver or public health experts. Defendants agree to notify Plaintiffs, and meet and confer if  
2 necessary, in the event that the location or nature of the EOP set-aside space changes.

3       2) For most EOP institutions, the parties agreed that EOP patients who are single celled  
4 will be quarantined in their single cells in their current EOP housing unit. Similarly single celled  
5 PIP patients will generally be quarantined in their single cells. Defendants also agreed to move  
6 double celled EOP individuals into empty single cells in the EOP housing units for quarantine  
7 whenever possible. For example, at the California Men's Colony ("CMC"), all EOP patients are  
8 housed in single cells with solid doors, and since this is the safest place to quarantine, they will  
9 remain in their cells for purposes of quarantine and isolation. Similarly, at the California Institute  
10 for Women ("CIW"), 90 percent of the EOP patients are already single celled. Defendants have  
11 agreed to keep 10 percent of the cells on the EOP unit empty so that double celled individuals in  
12 the unit can be moved to single cells if they need to be quarantined. Similarly, at the Correctional  
13 Health Care Facility ("CHCF") in Stockton, in the event double celled individuals in the EOP unit  
14 need to be quarantined, one of each double celled EOP individual will be moved to the single  
15 celled negative pressure isolation and quarantine units at CHCF, space permitting. Single celled  
16 EOP patients at CHCF, CMC, CIW, California State Prison Corcoran ("COR"), the California  
17 Medical Facility ("CMF"), California State Prison, Sacramento ("SAC"), California State Prison,  
18 Los Angeles County ("LAC") and Salinas Valley State Prison ("SVSP") will be quarantined in  
19 place, while one member of each quarantined double celled EOP cell will be moved to the  
20 separate quarantine space and housed accordingly.

21       3) Defendants agree to issue a policy directive to the EOP institutions that will describe  
22 where EOP or Psychiatric Inpatient Program patients are to be quarantined within the set-aside  
23 quarantine space. In addition, Defendants will provide direction to those institutions to provide  
24 programming to EOP or PIP patients separately from non-EOP or PIP inmates. Programming  
25 includes out of cell time, shower, yard, day-room, canteen (if running) and medication pass.  
26 Defendants will also direct institutions to provide EOP and PIP patients housed in a set-aside  
27 quarantine space with as much cell-based mental health treatment as they would receive if they  
28 were quarantined within their regular housing unit.

1           4) The parties agree that in the event of a prolonged quarantine of EOP or PIP patients  
2 (i.e. greater than fourteen days) that the parties will meet and confer to discuss the particulars of  
3 the prolonged quarantine and discuss whether any additional treatment or programming can be  
4 offered to the patients in that quarantine.

5           5) Defendants agree to update the Plaintiffs, and meet and confer if necessary, on the  
6 following issues:

7           a. The Plata Receiver has asked CDCR to identify additional set-aside quarantine  
8 space at R.J. Donovan Correctional Facility (RDJ) and Mule Creek State Prison (MCSP).

9 Defendants have tentatively identified quarantine plans for EOP patients at those institutions.  
10 Defendants have not yet shared these plans with Plaintiffs. Defendants will endeavor to finalize  
11 these plans and provide Plaintiffs an update on what additional set-aside space has been identified  
12 and whether and how that impacts the quarantining of EOP patients at RJD or MCSP within 30  
13 days. The parties will attempt to reach agreement on plans for quarantine housing of EOP  
14 patients at both of those institutions as well.

15           b. Due to the unique physical plant of San Quentin State Prison, specific  
16 quarantine practices for inmates, including those in the EOP level of care, could not be agreed to.  
17 Defendants will keep Plaintiffs apprised of any outbreak or need for quarantine at San Quentin  
18 and will further provide Plaintiffs information on what treatment and programming is being  
19 provided to quarantined EOP patients at San Quentin. Plaintiffs reserve all of their rights and  
20 options with respect to the need for a safe quarantine housing plan for EOPs in the large 100  
21 person EOP dorms at San Quentin.

22           c. California Medical Facility's (CMF) Psychiatric Inpatient Program (PIP) has  
23 two dorm units. At their November 10, 2020, meeting, the parties discussed tentative plans about  
24 where to quarantine patients in those units if necessary. The parties had not reached an agreement  
25 on where CMF would quarantine dorm PIP patients. Defendants will endeavor to provide  
26 Plaintiffs with a plan to quarantine dorm PIP patients within 30 days. The parties also need to  
27 address the issue of where PIP patients who must be moved out of their housing units for  
28 quarantine and isolation purposes will be housed.

1       6) This stipulation will remain in effect only so long as CDCR is required to maintain  
2 separate COVID-19 related quarantine space pursuant to *Plata v. Newsom*, United States District  
3 Court, Northern District of California, ECF No. 3401, Order to Set Aside Isolation and  
4 Quarantine Space.

5 The Special Master has reviewed and approves this stipulation.

6 DATED: January 22, 2021

XAVIER BECERRA  
Attorney General of California  
ADRIANO HRVATIN  
Supervising Deputy Attorney General

7  
8 By: /s/ Elise Owens Thorn  
9

10       Elise Owens Thorn  
11       Deputy Attorney General  
12       *Attorneys for Defendants*

13 DATED: January 22, 2021

14       ROSEN BIEN GALVAN &  
15       GRUNFELD LLP

16 By: /s/ Ernest Galvan  
17

18       Ernest Galvan  
19       *Attorneys for Plaintiffs*

20       **IT IS SO ORDERED.**

21 DATED: February 17, 2021.

22         
23       \_\_\_\_\_  
24       CHIEF UNITED STATES DISTRICT JUDGE  
25  
26  
27  
28