

ROB BONTA
 Attorney General of California
 ADRIANO HRVATIN
 Supervising Deputy Attorney General
 State Bar No. 220909
 455 Golden Gate Avenue, Suite 1100
 San Francisco, CA 94102-7004
 Telephone: (415) 510-3577
 Fax: (415) 703-5843
 E-mail: Adriano.Hrvatin@doj.ca.gov
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

TODD ASHKER, et al.,

Plaintiffs,

v.

**GOVERNOR OF THE STATE OF
 CALIFORNIA, et al.,**

Defendants.

4:09-cv-05796-CW (RMI)

**STIPULATION AND ~~PROPOSED~~
 ORDER MODIFYING SETTLEMENT
 AGREEMENT**

On September 1, 2015, the parties entered into a settlement agreement resolving this class action. (ECF No. 424-2.) On January 26, 2016, the Court approved the parties' agreement. (ECF No. 488.) Among its many terms, the settlement provided that inmates found guilty of a disciplinary offense subject to a Security Housing Unit term of confinement with a nexus to a prison gang would be transferred into a Step Down Program upon the completion of the determinate, disciplinary Security Housing Unit term, including a portion of the Step Down Program term within a Security Housing Unit. (*See, e.g.*, ECF No. 424-2 ¶¶ 15-26.)

Defendants are evaluating their segregated-housing practices and have considered discontinuing the Step Down Program. Defendants met and conferred with Plaintiffs regarding CDCR's intention to possibly discontinue the Step Down Program, and Plaintiffs expressed no

1 objection to Defendants' potential plan to terminate the Step Down Program. The parties
2 therefore are in agreement to terminate the Step Down Program, and to modify the Settlement
3 Agreement to that effect.

4 Good cause supports this request to modify the parties' Settlement Agreement, based on the
5 parties' mutual agreement reflected herein.

6 **IT IS SO STIPULATED.**

7
8 Dated: April 17, 2023

Respectfully submitted,

9 ROB BONTA
Attorney General of California

10 /s/ Adriano Hrvatin

11 ADRIANO HRVATIN
Supervising Deputy Attorney General
12 *Attorneys for Defendants*

13 Dated: April 17, 2023

CENTER FOR CONSTITUTIONAL RIGHTS

14 /s/ Sam Miller

15 SAM MILLER
16 *Attorneys for Plaintiffs*

~~PROPOSED~~ ORDER

Based on the parties' stipulation, and finding good cause, the Court approves the parties' stipulation to modify the Settlement Agreement's terms to terminate the Step Down Program.

IT IS SO ORDERED.

Dated: April 17, 2023



The Hon. Claudia Wilken
United States District Court Judge

SF2012204868
36047868.docx