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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

DISABILITY RIGHTS CALIFORNIA;
CALIFORNIA PROTECTION AND
ADVOCACY AGENCY FOR PERSONS
WITH DISABILITIES,

Plaintiff,

vs.

COUNTY OF SAN BENITO; SAN BENITO
DEPARTMENT OF BEHAVIORAL
HEALTH; AND ALAN YAMAMOTO,
DIRECTOR,

Defendants.

Case No. 19-CV-01833-YGR

Stipulated Judgment and ~~Proposed~~ Order

Hon. Yvonne Gonzalez Rogers, Ctrm. 1

Action Filed: April 4, 2019

Trial Date: None Set

1 WHEREAS, Plaintiff, Disability Rights California, (“DRC”), filed the Complaint for
2 Declaratory and Injunctive Relief in this action on April 4, 2019 (the “Complaint”), to obtain
3 declaratory and injunctive relief and other equitable relief from the County of San Benito, San
4 Benito County Behavioral Health, and Alan Yamamoto, Director of San Benito County
5 Behavioral Health, in his official capacity (collectively “Defendants”);

6 WHEREAS, The Complaint alleges violations of the Protection and Advocacy for
7 Individuals with Mental Illness Act (PAIMI), 42 U.S.C. § 10805(a)(1)(A), the PAIMI
8 implementing regulations (42 C.F.R. § 51.42(b)), California’s subsequent enactment and
9 implementation of PAIMI, Welfare & Institutions Code 4900 et seq., and 42 U.S.C. § 1983;

10 WHEREAS, DRC filed a Motion for Preliminary Injunction seeking to compel the release
11 of certain patient names and contact information from the County, which is scheduled to be heard
12 on May 28, 2019 before this Court;

13 WHEREAS, DRC filed the Complaint the day after the County of San Benito filed its own
14 action in San Benito Superior Court (the “State Court Action”), also seeking a judicial
15 determination of its rights under PAIMI and applicable state law; whereas, DRC removed the
16 State Court Action to this District, where it was given Case No. 3:19-cv-02124; and whereas, this
17 Court found that the two cases are related;

18 WHEREAS, both this action and the State Court Action seek to determine Defendants’
19 legal rights and obligations with respect to the production of patient names and contact
20 information pursuant to the DRC’s statutory access authority, and whereas, Defendants previously
21 represented to DRC that they would produce the information sought, but only pursuant to a court
22 order;

23 WHEREAS, while Defendants do not necessarily agree with or admit the allegations of the
24 Complaint, and Defendants believe that the parties’ respective rights and obligations should have
25 been resolved, in the first instance, in the State Court Action and in state court, Defendants are
26 willing, solely for purposes of this Motion, not to dispute DRC’s findings that DRC has the
27 requisite probable cause to obtain specific records maintained by Defendants on the terms set forth
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below, and to agree to an entry of an stipulated Order and Judgment requiring Defendants to produce patient names and contact information pursuant to PAIMI and applicable state law on the terms set forth herein.

WHEREAS, the parties agree that Plaintiff is entitled to reasonable attorneys' fees and costs and have reached an agreement as to Defendants' payment of such.

THEREFORE, on the joint motion and stipulation of the parties, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** as follows:

1. **IT IS ORDERED** that Defendants are preliminarily and permanently enjoined and ordered to provide DRC with the names and contact information of individuals held for more than twenty four (24) hours at Hazel Hawkins Hospital on detentions under California Welfare and Institutions Code Section 5150 for the time period from January 1, 2018 through December 31, 2018, within five business days following service upon Defendants of this signed order;

2. **IT IS FURTHER ORDERED THAT** Defendants are preliminarily and permanently enjoined and ordered to provide DRC, on a rolling basis, with the names and contact information of individuals held for more than twenty four (24) hours at Hazel Hawkins Hospital on detentions under California Welfare and Institutions Code Section 5150 for the time period from January 1, 2019 through May 1, 2019, within forty-five days following service upon Defendants of this signed order;

3. **IT IS FURTHER ORDERED THAT** Defendants are preliminarily and permanently enjoined and ordered to provide DRC all further access to which DRC is entitled pursuant to DRC's authority under Cal. Welf. & Inst. Code § 4900, *et seq.*, 42 U.S.C. § 10801, *et seq.*, and the regulations promulgated thereunder, including 42 C.F.R. § 51.41, provided that DRC complies with all of the requirements set forth under such authority for obtaining such access;

4. The parties agree to file a separate stipulation in the State Court Action dismissing that action in its entirety within five business days following the entry of this Order.

5. **IT IS FURTHER ORDERED** that Plaintiff's Motion for Preliminary Injunction, currently scheduled for hearing on May 28, 2019, shall be taken off calendar and the Motion for Preliminary Injunction is DENIED as moot, **as is the motion for remand.**

6. **IT IS FURTHER ORDERED** that Defendants will pay to DRC attorneys' fees and costs, as consistent with the agreement of the parties referenced above, within 30 days of the entry of this Order.

7. **IT IS FURTHER ORDERED** that any other form of relief sought in the Complaint, but not set forth herein, is hereby denied.

JUDGMENT IS THEREFORE ENTERED in favor of Plaintiff and against Defendants, pursuant to all the terms and conditions recited above. This Judgment shall become final for all purposes upon entry of Judgment and Parties respectively waive any and all rights to appeal or seek review of this Stipulated Judgment by a higher court.

IT IS SO ORDERED.

DATED: May 24, 2019



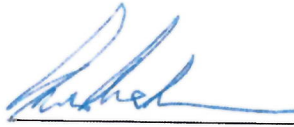
Honorable Yvonne Gonzalez Rogers
United States District Judge

1 The parties, by their respective counsel, hereby consent to the terms and conditions of this
2 Stipulated Order as set forth above and consent to the entry thereof.

3 PLAINTIFF:
4

5 Dated: May 20, 2019


DISABILITY RIGHTS CALIFORNIA

6
7 By: 
8 ANNE HADREAS
9 Attorneys for Attorneys for Plaintiff, Disability Rights
California

10 DEFENDANTS:

11
12 Dated: May 20, 2019

HOOPER, LUNDY & BOOKMAN, P.C.

13
14 By: 
15 ERIC D. CHAN
16 Attorneys for County of San Benito; San Benito
17 Department of Behavioral Health and Alan Yamamoto
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