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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DERRICK CLARK, et al.,

Plaintiffs,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

C 96-1486 CRB

**STIPULATION REGARDING JOINT
INTERVIEWS CONDUCTED BY THE
PARTIES AS PART OF THE JOINT
MONITORING AND/OR AUDITING
PROCESS; [PROPOSED] ORDER**

Judge The Honorable Charles R.
Breyer
Action Filed: April 22, 1996

The parties stipulate that:

1. On September 16, 2010, this Court issued its Findings of Fact and Conclusions of Law denying Defendants' Motion to Terminate the Settlement Agreement. (Doc. 500.)

2. Since that date, the parties have agreed to conduct joint monitoring of the CDCR's adherence with the Developmental Disability Program. Additionally, the parties are working together to finalize an auditing tool to further improve the auditing process. An important element of joint monitoring and/or auditing is joint interviews of class members. The perspective

1 of class members is one of several methods that allow the parties to evaluate CDCR's adherence
 2 with the Developmental Disability Program.

3 3. To effectively monitor and/or audit CDCR's adherence with the Developmental
 4 Disability Program, the parties must gather sufficient information to provide operational oversight
 5 and management of the program. This process includes class member interviews, as well as
 6 gathering information through review of written materials and staff interviews.

7 4. The parties agree that any comments or statements made by a class member in an
 8 interview conducted for the purpose of joint monitoring and/or audits shall not be admissible as
 9 evidence by either party, unless agreed to by both parties. The parties further agree that the final
 10 joint monitoring reports that rely in part on the findings derived from the statements of class
 11 members in the interviews are admissible as evidence.

12 5. Nothing in this agreement prohibits CDCR staff from interacting with inmates in the
 13 Developmental Disability Program, documenting that interaction, and/or using information
 14 exchanged in the normal course and scope of work to ensure adherence with the Developmental
 15 Disability Program.

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 17 Dated: _____

//s// Sara Norman
 Sara Norman, Esq.
 Prison Law Office
 Counsel for Plaintiffs

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 21 Dated: _____

//s// Danielle F. O'Bannon
 Danielle F. O'Bannon
 California Attorney General's Office
 Counsel for Defendants

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 23
 24 Per the parties' stipulation, IT IS SO ORDERED.

25
 26 Dated: _____

 Honorable Charles R. Breyer
 United States District Judge

CERTIFICATE OF SERVICE

Case Name: Clark v. State

No. C 96-1486 CRB

I hereby certify that on July 11, 2014, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STIPULATION REGARDING JOINT INTERVIEWS CONDUCTED BY THE PARTIES AS PART OF THE JOINT MONITORING AND/OR AUDITING PROCESS; PROPOSED ORDER

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 11, 2014, at San Francisco, California.

D. Criswell

Declarant

s/ D. Criswell

Signature