

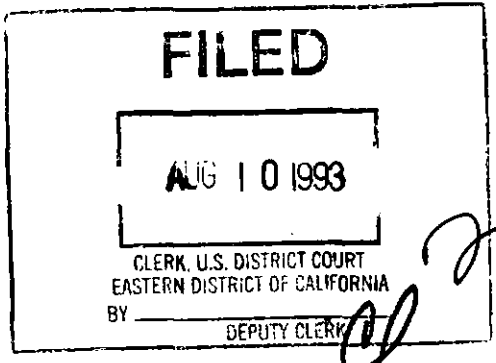
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Attorneys for Plaintiffs



IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHN B. CRUZ, et al.,	)	NO. F 93 5070 JFM P
	)	
Plaintiffs,	)	STATUS CONFERENCE REPORT
	)	OF PLAINTIFF
vs.	)	
	)	Date: August 12, 1993
COUNTY OF FRESNO, et al.,	)	Time: 9:00 a.m.
	)	Courtroom: No. 8
Defendants.	)	

Plaintiffs offer the following Status Conference Report.  
1. Main Jail  
Defendants proposed to plaintiffs that a pilot project be

1 sought through the Board of Corrections to determine the  
2 constitutionally appropriate population level of the Main Jail.  
3 It was further agreed that plaintiffs' counsel would have informal  
4 and formal access to the Board of Corrections and would have access  
5 to all documents submitted to the Board of Corrections seeking the  
6 pilot project. This was in accordance with the Preliminary  
7 Injunction Order of July 12, 1993.

8 Plaintiffs' counsel believes that this is a better option than  
9 litigation to determine the constitutionally appropriate population  
10 level of the Main Jail.

11 Plaintiffs' counsel have sought the advice of their expert,  
12 W. Raymond Nelson, who has reviewed the Pilot Program submitted to  
13 the Board of Corrections. Mr. Nelson is in agreement with the  
14 process and believes that the operation of the Main Jail in  
15 accordance with the pilot project would be constitutionally  
16 acceptable.

17 2. South Annex

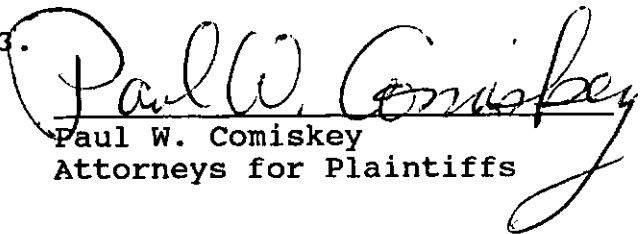
18 Plaintiffs' counsel delayed asking the Court for a Preliminary  
19 Injunction limiting the population of the South Annex to the Board-  
20 rated capacity while a remodeling project was done that would  
21 possibly permit some variation on the Board-rated capacity. The  
22 last time plaintiffs' counsel inspected the South Annex, they  
23 concluded that the population levels in that facility are not  
24 acceptable. At present there is a question as to whether Fresno  
25 County will continue to operate the South Annex. Should Fresno  
26

1 County decide it is not financially viable to operate this facility  
2 and close it, the issues relating to that facility would become  
3 moot.

4 On the other hand, plaintiffs' counsel do not believe that  
5 conditions in that facility should continue. It is a dismal place,  
6 shocking to the conscience, and although the improvements have been  
7 of some help, it continues to fall far below the standards that  
8 plaintiffs' counsel find acceptable.

9 Accordingly, plaintiffs' counsel intend to move within the  
10 next month or two for a Preliminary Injunction asking the Court to  
11 order that the South Annex operate in its Board-rated capacity.  
12 Should plaintiffs' counsel receive definite notification that the  
13 South Annex will be closed by a date certain, then the filing of  
14 a Motion for Preliminary Injunction will not be necessary.  
15 Plaintiffs counsel, however, have determined that it is better to  
16 ask for the Preliminary Injunction now rather than wait for such  
17 uncertain events as the failure of a sales tax ballot proposal and  
18 whatever subsequent actions the County of Fresno would take to  
19 accommodate the losses of hoped for revenue.

20 Dated: August 10, 1993.

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22 Paul W. Comiskey  
23 Attorneys for Plaintiffs  
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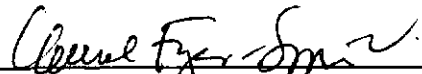
DECLARATION OF SERVICE BY MAIL

I declare that I am over the age of eighteen years and not a party to the within cause; my business address is 2308 J Street, Sacramento, California.

On the date reflected below I served the attached STATUS CONFERENCE REPORT OF PLAINTIFF on all parties in said cause, by sending via facsimile a true copy thereof as follows:

Wes Merritt  
Deputy County Counsel  
County of Fresno  
2220 Tulare Street, Suite 500  
Fresno, CA 93721

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 10, 1993 at Sacramento, California.

  
\_\_\_\_\_  
Laurel Fryer-Smith