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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13 **SACRAMENTO DIVISION**

14 LORENZO MAYS, RICKY
15 RICHARDSON, JENNIFER
16 BOTHUN, ARMANI LEE, and
17 LEERTESE BEIRGE on behalf of
18 themselves and all others similarly
19 situated,

20 **Plaintiffs,**

21 v.

22 COUNTY OF SACRAMENTO,
23 **Defendant.**

Case No. 2:18-cv-02081 TLN KJN

CLASS ACTION

STIPULATION

Judge: Hon. Kendall J. Newman

Complaint Filed: July 31, 2018

1 The Consent Decree in this matter, approved by the Court on January 13, 2020,
2 calls for specific intervals in which the parties and the Court's appointed experts will
3 report on the County of Sacramento's compliance with the Consent Decree. Doc. No.
4 110. In particular, the Court Experts are required by the terms of the Consent Decree
5 to produce reports advising the Court and the parties on Defendant's compliance with
6 each provision relating to the mental health, medical, and suicide prevention
7 components of the Remedial Plan. *Id.*, ¶ 15. The Consent Decree provides that the
8 first such expert report be filed within 180 days of the entry of the Decree. *Id.*
9 Similarly, Defendant is required to produce a status report on its progress toward
10 compliance with the Consent Decree no sooner than 120 days and no later than 180
11 days after entry of the Consent Decree. *Id.*, ¶ 12. Plaintiffs' counsel is entitled to
12 monitor the facilities three times per year, and is charged with monitoring and
13 reporting on Defendant's compliance with the components of the Remedial Plan
14 pertaining to restrictive housing, ADA/disability, and discipline and use of force for
15 people with mental health and intellectual disabilities. *Id.*, ¶¶ 23-24.

16 In the past two months, the COVID-19 pandemic has disrupted operations in
17 the Sacramento County Jails. For the safety of Jail staff and the incarcerated
18 population, the parties have agreed to postpone all scheduled site visits by the Court
19 Experts and Plaintiffs' counsel. The parties have further agreed to seek the Court's
20 leave to extend the deadlines for the 180-Day Reports by the Court Experts.

21 It is not clear when it will be safe for the Court Experts' and Plaintiffs'
22 counsel's on-site monitoring to resume. Consequently, in lieu of seeking a specific
23 deadline for the submission of the 180-Day Reports, the parties request leave to file a
24 status report on or before **June 24, 2020** providing further information to the Court
25 about the status of their monitoring and proposing a modification to deadlines
26 described in the Consent Decree.

27 The parties acknowledge that while it is necessary to delay on-site monitoring
28

1 activity for some period of time, compliance with the provisions of the Remedial Plan
2 in the Consent Decree has not been reached. Defendant has not demonstrated
3 compliance with the terms of the Remedial Plan, including in the areas of medical
4 care, mental health care, suicide prevention, the use of restrictive housing, disciplinary
5 measures/use of force, and compliance with disability law. The parties continue to
6 work collaboratively to review and revise the jail's operational policies to ensure that
7 they reflect the requirements of the Remedial Plan. However, substantial and
8 sustained effort and resources will be required to bring Defendant into compliance
9 with the Remedial Plan.

10 Defendant agrees that other aspects of monitoring and Remedial Plan
11 implementation described in the Remedial Plan can and should continue. Defendant
12 will continue to produce requested data and information consistent with the Consent
13 Decree, to allow for monitoring to proceed in a manner consistent with precautions
14 necessary during the current public health emergency. Defendant further agrees to
15 continue to provide requested data and information to, and confer regularly with,
16 Plaintiffs' counsel regarding Defendant's response to the COVID-19 pandemic as it
17 relates to the health, safety, and rights of *Mays* class members.

18 IT IS SO STIPULATED.

19
20 Dated: April 27, 2020

/s/ Margot Mendelson
Margot Mendelson (SBN 268583)
PRISON LAW OFFICE
Attorney for Plaintiffs

21
22
23 Dated: April 27, 2020

/s/ Aaron Fischer
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25
26 Dated: April 27, 2020

/s/ Rick Heyer
Rick J. Heyer (SBN 216150)
Attorney for Defendants

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CLASS ACTION

[PROPOSED] ORDER

Judge: Hon. Kendall J. Newman

Complaint Filed: July 31, 2018

1 Having considered the parties’ stipulation and good cause appearing, it is
2 hereby ordered that:

3 (1) The deadline for the Court Experts’ first compliance reports, set forth in the
4 Consent Decree in this matter (Doc. No. 110), is extended in light of the COVID-19
5 pandemic.

6 (2) The parties shall file a status report on or before **June 24, 2020** providing
7 further information to the Court about the status of monitoring compliance with the
8 Consent Decree and proposing a modification to the reporting deadlines.

9
10 **IT IS SO ORDERED.**

11
12 Dated: _____

13 Hon. Kendall J. Newman
14 UNITED STATES MAGISTRATE JUDGE