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22 Attorneys for Defendants

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

19 MARCIANO PLATA, et al.,

Plaintiffs,

20 v.

21 ARNOLD SCHWARZENEGGER, et al.,

22 Defendants.

C 01-1351 TEH

STIPULATION AND  
[PROPOSED] ORDER RE  
MERGER OF MEDICAL  
HEALTH CARE AT PELICAN  
BAY STATE PRISON

24 I. The parties stipulate that Pelican Bay State Prison (Pelican Bay) will now be  
25 included as one of the covered institutions in *Plata v. Schwarzenegger, et al.*, and that the  
26 prisoners at Pelican Bay will now be members of the *Plata* class. This stipulation is a result of  
27 the May 23, 2008 Court Order in *Madrid v. Tilton*, United States District Court, Northern District  
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1 of California, Case No. C 90-3094. Any further monitoring and implementation of medical care  
2 will occur through *Plata* according to the stipulated injunction filed in *Plata* on June 13, 2002,  
3 and all subsequent orders modifying that injunction, except as specified in Paragraphs 2 through  
4 5, below.

5           2. Pelican Bay shall comply with the medical care policies and procedures contained  
6 in the Pelican Bay Health Care Policies and Procedures, until such time as the Court-appointed  
7 Receiver in this case directs that Pelican Bay must comply with some or all of the provisions of  
8 the CDCR Inmate Medical Policies and Procedures.

9           3. The Receiver shall provide plaintiffs' counsel with written notice 10 days before  
10 the effective date of any and all directives to Pelican Bay to comply with the CDCR Inmate  
11 Medical Policies and Procedures, except when the Receiver determines that because of emergent  
12 or urgent circumstances Pelican Bay must immediately comply with some or all of those policies  
13 and procedures. In any instance in which the Receiver directs Pelican Bay to immediately  
14 comply with some or all of the CDCR Inmate Medical Policies and Procedures, the Receiver  
15 shall provide written notice to plaintiffs' counsel as soon as possible but no later than 10 days  
16 after the directive was issued.

17           4. If the Receiver directs that Pelican Bay comply with some or all of the CDCR  
18 Inmate Medical Policies and Procedures, the Receiver shall cause a copy of the applicable  
19 provision(s), chapter(s), or volume(s) to be placed in the prisoner law libraries at Pelican Bay  
20 within 30 days of the directive. Alternatively, the Receiver shall cause a copy of the entire  
21 current CDCR Inmate Medical Policies and Procedures to be placed in the prisoner law libraries  
22 at Pelican Bay.

23           5. The parties shall promptly meet and confer regarding the posting and distribution  
24 of a notice at Pelican Bay regarding the incorporation of medical care into the *Plata* class,  
25 informing class members of the termination of the orders in *Madrid* and the applicability of *Plata*  
26 orders. The notice shall also inform class members that a copy of the following orders are  
27 available for review in the inmate law libraries: (a) Order Re Special Master's Report and  
28 Recommendation to Cease Health Services Monitoring at Pelican Bay State Prison, filed on May

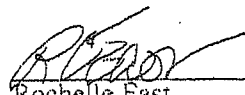
Stip. and [Proposed] Order re Merger of Medical Care

*Plata v. Schwarzenegger, et al.*  
C 01-1351 TEH

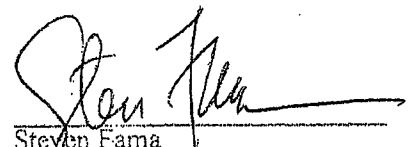
1 23, 2008 in *Madrid v. Tilton*; (b) Stipulation for Injunctive Relief, filed herein on June 13, 2002;  
 2 (c) Order Appointing Receiver, filed February 14, 2006; (d) Order Re (1) Receiver's May 2007  
 3 Preliminary Plan of Action and Motion for Order Modifying Stipulated Injunction and Orders  
 4 Entered herein, and (2) Plaintiffs' Motion for Order Directing Receiver to Comply with April 4,  
 5 2003 Order, etc., filed September 6, 2007; and (e) the instant order. The notice shall also include  
 6 the contact information for plaintiffs' counsel. Such notice shall be posted and distributed within  
 7 30 days of the date of the Order. Copies of the above-listed orders shall be placed in the Pelican  
 8 Bay law libraries no later than the date that the required notice is posted and distributed.

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Dated: 6 June 08

  
 Rochelle East  
 Attorney for Defendants

Dated: 6/6/08

  
 Steven Fama  
 Attorney for Plaintiffs

IT IS SO ORDERED.

Dated: \_\_\_\_\_

Thelton E. Henderson  
 U.S. District Court Judge

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **MARCIANO PLATA, et al. v. ARNOLD SCHWARZENEGGER, et al.**

No.: **C 01-1351 TEH**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **June 6, 2008**, I served the attached

**STIPULATION AND [PROPOSED] ORDER RE MERGER OF MEDICAL CARE AT  
PELICAN BAY STATE PRISON**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**John Hagar  
California Prison Health Care  
Receivership Office of the Receiver  
501 J Street, Suite 100  
Sacramento, CA 95814**

**J. Clark Kelso  
501 'J' Street, Suite 605  
Sacramento, CA 95814**

**Benjamin Rice  
Legal Affairs Division  
Office of the Governor  
Capitol Building  
Sacramento, CA 95814**

**Bruce Slavin  
California Department of Corrections  
and Rehabilitation  
1515 S Street  
P.O. Box 942883  
Sacramento, CA 94283-0001**

**Robin Dezember  
Director, Division of Correctional Health  
Care Services, CDCR  
P.O. Box 942883  
Sacramento, CA 94283-0001**

**Madrid Unit  
Pelican Bay State Prison  
P.O. Box 7000  
Crescent City, CA 95532**

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 June 6, 2008 at San Francisco, California.

\_\_\_\_\_  
J. Palomino  
Declarant

  
\_\_\_\_\_  
Signature