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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARLOS PEREZ, et al.

Plaintiffs,

v.

MATTHEW CATE, et al.,

Defendants.

No. 05-05241 JSW

**ORDER GRANTING MOTION TO
ENFORCE STIPULATED
INJUNCTION AND COURT
ORDER RE EXPERTS**

INTRODUCTION

Now before the Court for consideration is the Motion to Enforce Stipulated Injunction and Court Order re Experts filed by Plaintiffs. Having considered the parties' papers, relevant legal authority, the record in this case, and having had the benefit of oral argument, the Court **HEREBY GRANTS** Plaintiffs' motion.

BACKGROUND

The background and history of the settlement of this class action involving dental care within the California prison system is well known to the parties and shall not be repeated here. The instant dispute arises because, after the parties entered into the Stipulated Injunction, Defendants began to transfer prisoners to out-of-state facilities. Defendants contend that no class members have been transferred out-of-state. Plaintiffs are concerned that Defendants' screening process is inadequate.¹

¹ The Court representatives presented a report to the Court in October 2007, in which they expressed their view that the screening process then in place was inadequate. (Declaration of Alison Hardy, Ex. A.) The screening process that was the subject of the 2007 Report has been revised. (*Id.*, Ex. H.)

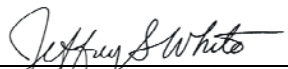
1 The Court repeatedly has expressed its concern that Defendants may be transferring
2 existing members of the *Perez* class to out-of-state facilities. Although Plaintiffs have brought
3 the instant motion, in order to assist the Court and in anticipation of Plaintiffs' motion on this
4 issue, pursuant to paragraph 6 of the February 8, Order, the Court HEREBY ORDERS the
5 Court Representatives to prepare a report on Defendants' revised screening process. That report
6 shall be filed on or before December 4, 2008.

7 Based on argument and colloquy at the hearing, it also appears that allowing the Court
8 Representatives access to dental records is reasonably necessary to prepare this report.
9 Accordingly, it is FURTHER ORDERED, that by no later than November 20, 2008, Defendants
10 shall produce copies of dental records for 117 inmates that were endorsed for transfer to an out-
11 of-state facility during the month of July 2008. If any these 117 inmates prisoners still are
12 housed in CDCR facilities within California, Defendants shall produce the entirety of an
13 inmates' dental record. If any of the 117 inmates have been transferred to an out-of-state
14 prison, Defendants shall produce copies of the dental records in accordance with the scope of
15 consent previously obtained by Plaintiffs' counsel, or in accordance with any future consent
16 obtained by Plaintiffs. If the Court Representatives deem it reasonably necessary to review
17 medical records, they shall file a statement to such effect with the Court and serve it on
18 Plaintiffs and Defendants.

19 It is FURTHER ORDERED that Defendants may file any objections or comments to the
20 Court Representatives' report on the revised screening procedure by no later than December 15,
21 2008. Plaintiffs may file a response by no later than December 22, 2008.

22 **IT IS SO ORDERED.**

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24 Dated: October 20, 2008



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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