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FOR THE DISTRICT OF CALIFORNIA

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5 San Jose, CA 95110  
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8 Attorney for Receiver

9 IN THE UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 MARCIANO PLATA, et al.,  
12 Plaintiff,  
13 vs.  
14 ARNOLD SCHWARZENEGGER, et al.,  
15 Defendant

16 Case No.: No. C01-1351 TEH  
17 **REQUEST FOR CLARIFICATION OF**  
18 **ORDER RE STATE CONTRACTS**

19 On March 30, 2006 the Court filed its Order Re State Contracts and Contract Payments  
20 Relating to Service Providers for CDCR Inmate/Patients (“Order”). The Order mandated  
21 payment of current outstanding, valid and CDCR-approved medical invoices (Order at 5,  
22 paragraph B.1), and required that defendants continue to pay received invoices for services until  
23 new processes were in place pursuant to a 180 day plan to be proposed by defendants and  
24 accepted by the Receiver (*Id.*, paragraph B.2.). The Order also excused the CDCR from the  
25 State requirement for competitive bids for medical provider contracts during the planning period.  
*Id.* at 7, paragraph 4. As set forth in the Order, nothing was intended to limit in any manner to  
authority of the Receiver. *Id.*, paragraph 4.

1 The Office of the Receiver has worked with defendants to develop and implement a  
2 program to improve the State's bid, procurement, management, and payment processes  
3 concerning contracts for CDCR clinical services providers. The process has, however, exceeded  
4 the initial estimate of 180 days. Furthermore, the Receiver's plan, as developed, calls for a four  
5 prison pilot project to implement and thereafter test the effectiveness of the revised contract  
6 process. Given the significant nature of the changes proposed, both defendants and the Receiver  
7 believe that a pilot project provides the best assurances for overall success of the project. As a  
8 result, the current emergency system of contract procurement and payment will exist alongside  
9 the revised contract system for a period of ten to twelve months.

10 Defendants, including the State of California control agencies, and some contract  
11 providers, have expressed concern that the State's authority to continue making emergency  
12 payments as required by page 5, paragraph B of the Order and the no-bid provision of page 7,  
13 paragraph 4 of the Order may have expired within 180 days, rather upon the date the new  
14 processes are in place.

15 Given this concern, the Receiver requests that the Court clarify and order that the  
16 emergency payment and no bid provisions set forth in the Order shall not expire until the  
17 planning process is complete and the new contract system fully implemented at all CDCR  
18 institutions, except that when the pilot is implemented, and when additional prisons convert to  
19 the new system, the emergency and no-bid provisions of the Order will cease to apply to those  
20 institutions. Defendants have advised the Receiver that they will file a non-opposition to this  
21 request.

22 DATED: October 26, 2006

Respectfully submitted,

23   
24 JARED GOLDMAN  
25 Attorney for Receiver

1 **PROOF OF SERVICE**

2 I, KRISTINA HECTOR, declare:

3 I am a resident of the County of Alameda, California; that I am over the age of eighteen  
4 (18) years of age and not a party to the within titled cause of action; that I am employed as the  
Inmate Patient Relations Manager in *Plata v. Schwarzenegger*.

5 On October 26, 2006 I served a copy of the attached document described as  
6 REQUEST FOR CLARIFICATION OF ORDER RE STATE CONTRACTS on the parties of  
7 record in said cause by placing a true and correct copy thereof enclosed in a sealed envelope in  
the United States Mail and addressed as follows:

8 PETER FARBER-SZEKRENYI, DR. P.H.  
9 Director  
10 Division of Correctional Health Care Services  
CDCR  
P.O. Box 942883  
Sacramento, CA 94102

11 JONATHAN L. WOLFF  
12 Deputy Attorney General  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102

13 STEVEN FAMA  
14 DON SPECTER  
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San Quentin, CA 94964-0001

17 PAUL MELLO  
18 JERROLD SCHAEFER  
19 Hanson Bridgett  
425 Market Street, 26th Floor  
San Francisco, CA 94105

20 I declare under penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct. Executed on October 26, 2006 at San Francisco, California.

22   
23 Kristina Hector