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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

18 MARCIANO PLATA, et al.,
19 Plaintiffs,
20 v.
21 ARNOLD SCHWARZENEGGER, et al.,
22 Defendants.

Case No. C01-1351 TEH

**DECLARATION OF THERESA
KIMURA-YIP IN SUPPORT OF
RECEIVER'S OPPOSITION TO
DEFENDANTS' MOTION TO
TERMINATE THE
RECEIVERSHIP AND THE
RECEIVER'S CONSTRUCTION
PLANS**

Hon. Thelton E. Henderson

1 I, Theresa Kimura-Yip, declare:

2 1. I am the Associate Director of the Medical Policy and Program Compliance
3 Branch in the Receiver's Plata Field Support Medical Services Division. I was hired by the
4 California Department of Corrections and Rehabilitation (CDCR), Division of Correctional
5 Health Care Services in August 2006 and assumed responsibility as the Litigation Coordinator for
6 Health Care in October 2006. In early 2006, when the Receiver assumed responsibility for day to
7 day operations of medical care in California prisons, my position and section were absorbed
8 under the Plata Support Division. In October 2008, the Program Compliance Section was
9 established within my management area and my responsibilities began to include oversight of the
10 Receiver's monthly document production under the *Plata* stipulated orders. Unless otherwise
11 stated, I know the following facts to be true of my own knowledge, and if called as a witness I
12 could competently so testify. I make this declaration in support of the Receiver's Opposition to
13 the Defendants' Motion to Terminate the Receiver and the Receiver's Construction Plans.

14 2. As the Litigation Coordinator for healthcare, I routinely receive questions and
15 requests from the CDCR Office of Legal Affairs.

16 3. In about July 2007, I began receiving frequent requests from Thomas Gilevich
17 seeking a wide variety of information, including:

- 18 (a) Inmate-specific healthcare information;
- 19 (b) Policies/process related to habeas corpus responses;
- 20 (c) Requests for responses to Inmate Health Care Inquiries; and
- 21 (d) Information regarding healthcare staff.

22 4. I am not aware of any occasion on which Mr. Gilevich's information requests have
23 been denied or otherwise unsatisfactorily fulfilled.

24 5. I am also aware that Mr. Gilevich receives copies of the extensive monthly
25 document production prepared by the Receiver under the *Plata* litigation stipulated orders. That
26 document production includes lists of all inmate deaths.

27 6. There have also been monthly calls since early 2006 with staff from the Receiver's
28 Office, the *Plata* Plaintiffs, CDCR, and the California Attorney General. The calls would include

1 discussions of policy issues regarding medical care, as well as inmate-specific issues. I have
2 participated in many of the calls, and recall that others on the calls included John Wolff, Paul
3 Mello, and Charles Antonen from the Attorney General's office, and Dennis Beatty or Mr.
4 Gilevich from the CDCR. The calls presented all participants with an opportunity to raise issues
5 or request information from the Receiver. The Receiver's plans for construction were also
6 discussed during some of the calls.

7 7. The participants in these calls have always recognized that the implementation of
8 the broad policies and procedures required by the *Plata* stipulated orders into the specific
9 institutions would require significant facility improvements and construction. For example,
10 stipulated policy changes related to dispensing medication may require the construction of
11 additional windows in pharmacies. Many clinical spaces require fundamental improvements such
12 as sinks. Similarly, even the most basic medical records storage requires additional space that is
13 not currently available. And to provide medical interactions in compliance with federal law,
14 existing facilities must be expanded to allow for confidential communications between medical
15 providers and inmates.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct. Executed on February 23, 2009 in Sacramento, California.

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20 /s/ Theresa Kimura-Yip
21 Theresa Kimura-Yip
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GENERAL ORDER 45 ATTESTATION

I, James J. Brosnahan, am the ECF User whose ID and password are being used to file this Declaration of Theresa Kimura-Yip in Support of Receiver’s Opposition to Defendants’ Motion to Terminate the Receivership and the Receiver’s Construction Plans. In compliance with General Order 45, X.B., I hereby attest that Theresa Kimura-Yip has concurred in this filing.

/s/ James J. Brosnahan
James J. Brosnahan
Attorneys for Receiver