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

26 MARCIANO PLATA, et al.,  
27 Plaintiffs,  
28 v.  
29 ARNOLD SCHWARZENEGGER, et al.,  
30 Defendants.

C 01-1351 TEH  
STIPULATION AND  
~~PROPOSED~~ ORDER RE  
MERGER OF MEDICAL  
HEALTH CARE AT PELICAN  
BAY STATE PRISON

31 I. The parties stipulate that Pelican Bay State Prison (Pelican Bay) will now be  
32 included as one of the covered institutions in *Plata v. Schwarzenegger, et al.*, and that the  
33 prisoners at Pelican Bay will now be members of the *Plata* class. This stipulation is a result of  
34 the May 23, 2008 Court Order in *Madrid v. Tilton*, United States District Court, Northern District

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.

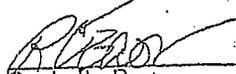
17 4. If the Receiver directs that Pelican Bay comply with some or all of the CDCR  
18 Inmate Medical Policies and Procedures, the Receiver shall cause a copy of the applicable  
19 provision(s), chapter(s), or volume(s) to be placed in the prisoner law libraries at Pelican Bay  
20 within 30 days of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

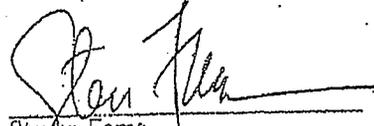
*Plata v. Schwarzenegger, et al.*  
C 01-1351 TEH

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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10  
11 Dated: 6 June 08

  
Rochelle East  
Attorney for Defendants

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13  
14 Dated: 6/6/08

  
Steven Fama  
Attorney for Plaintiffs

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19 IT IS SO ORDERED.

20  
21 Dated: 06/06/08

