

XAVIER BECERRA, State Bar No. 118517  
Attorney General of California  
ADRIANO HRVATIN, State Bar No. 220909  
Supervising Deputy Attorney General  
ELISE OWENS THORN, State Bar No. 145931  
TYLER V. HEATH, State Bar No. 271478  
KYLE A. LEWIS, State Bar No. 201041  
LUCAS HENNES, State Bar No. 278361  
Deputy Attorneys General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 510-3585  
Fax: (415) 703-5843  
E-mail: Kyle.Lewis@doj.ca.gov  
*Attorneys for Defendants*

ROMAN M. SILBERFELD, State Bar No. 62783  
GLENN A. DANAS, State Bar No. 270317  
ROBINS KAPLAN LLP  
2049 Century Park East, Suite 3400  
Los Angeles, CA 90067-3208  
Telephone: (310) 552-0130  
Fax: (310) 229-5800  
E-mail: RSilberfeld@RobinsKaplan.com  
*Special Counsel for Defendants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

**RALPH COLEMAN, et al.,**

Plaintiffs,

v.

**GAVIN NEWSOM, et al.,**

Defendants.

2:90-cv-00520 KJM-DB (PC)

**STIPULATION AND [PROPOSED]  
ORDER APPROVING EXTENSION OF  
THE IMPLEMENTATION PERIOD FOR  
THE CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION'S  
TELEPSYCHIATRY POLICY**

On March 27, 2020, the Court approved the parties' stipulation proposing a provisional policy regarding the California Department of Corrections and Rehabilitation's (CDCR) use of telepsychiatry to provide mental health services to its inmate-patients. (ECF No. 6539.) The parties agreed that the provisional telepsychiatry policy would be implemented within 120 days of the Court's approval of the stipulation, or by July 25, 2020 (this Saturday). (*Id.* at 2.) During this 120-day period, the parties agreed that Defendants would complete the internal monitoring process allowing Defendants to provide notice to Plaintiffs and the Special Master, as required by the provisional policy. (*Id.*) The stipulation further provided that if Defendants believed that the 120-day period should be extended due to the COVID-19 pandemic's impact on CDCR, they

1 would meet and confer with Plaintiffs' counsel and the Special Master concerning an extension of  
2 that period. (*Id.*)

3 Since the Court approved the parties' stipulation on March 27, Defendants have worked  
4 diligently to construct and implement CDCR's Telepsychiatry Resource Management Tool, and  
5 educate mental health program staff throughout CDCR regarding the tool's use. Working closely  
6 with CDCR Information Technology staff, officials have made significant strides toward  
7 developing a system to notify stakeholders of telepsychiatry's use under the provisional policy,  
8 but they have not been able to complete the tool given resource conflicts and operational  
9 exigencies posed by the COVID-19 pandemic. Additional time is needed so that CDCR can  
10 complete and validate the Telepsychiatry Resource Management Tool, train statewide institution  
11 staff to ensure accurate data entry, train headquarters staff to use the system and provide program  
12 oversight, and implement to tool throughout CDCR's mental health program sites.

13 On July 23, 2020, the parties met and conferred regarding an extension of the  
14 implementation period with the Special Master and members of his team. Based on the report  
15 provided by CDCR staff, the parties and Special Master agree that Defendants have been  
16 diligently working on development of the Telepsychiatry Resource Management Tool, and that  
17 giving Defendants additional time to complete and validate the tool and take further actions to  
18 implement it throughout CDCR is appropriate.

19 Accordingly, the parties agree that the time for Defendants to complete the internal  
20 monitoring process and implement CDCR's provisional telepsychiatry policy shall be extended  
21 by 30 days. If Defendants believe that a further extension of the implementation period is  
22 needed, they will meet and confer with Plaintiffs' counsel and the Special Master concerning an  
23 extension. If no agreement is reached, Defendants may seek an order from the Court extending  
24 the implementation period.

25 The Special Master has reviewed and concurs with this stipulation.

26 **IT IS SO STIPULATED.**  
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1 Dated: July 24, 2020

XAVIER BECERRA  
Attorney General of California  
ADRIANO HRVATIN  
Supervising Deputy Attorney General

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3  
4 /s/ Kyle A. Lewis  
5 Kyle A. Lewis  
6 Deputy Attorney General  
Attorneys for Defendants

7 Dated: July 24, 2020

ROSEN BIEN GALVAN & GRUNFELD LLP

8  
9 /s/ Lisa Ells  
10 Lisa Ells  
11 Attorneys for Plaintiffs

12 **IT IS SO ORDERED.**

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

14 KIMBERLY J. MUELLER  
15 UNITED STATES DISTRICT COURT  
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