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LODGED

Attorneys for Plaintiffs

SEP 11 1991

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.

Plaintiffs,

v.

PETE WILSON, et al.

Defendants.

No. CivS-90-0520 LKK-JFM

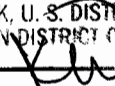
[PROPOSED] ORDER CERTIFYING
THE CLASS

ORDER, CLASS CERTIFICATION

103

FILED

OCT 24 1991

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

1 The motion of plaintiffs RALPH COLEMAN, WINIFRED
2 WILLIAMS, DAVID HEROUX, DAVID McKAY, ROY JOSEPH and all others
3 similarly situated for class certification under Rules
4 23(b)(1)(A), 23(b)(1)(B) and Fed. R. Civ. P. 23(b)(2) of the
5 Federal Rules of Civil Procedure came on regularly for hearing
6 before this Court at 9:00 a.m. on August 29, 1991, the Honorable
7 John F. Moulds presiding.

8 After considering the moving and opposition papers,
9 arguments of counsel and all other matters presented to the
10 Court, this Court makes the following findings of fact:

11 A. The prerequisites to maintenance of a class set
12 forth in subparts (1), (2), (3) and (4) of Fed. R. Civ. P. 23(a)
13 are met in that:

14 (1) The class of inmates confined within the
15 California Department of Corrections (except San Quentin State
16 Prison, the Northern Reception Center at Vacaville and the
17 California Medical Facility-Main at Vacaville) with serious
18 mental disorders is so numerous that joinder of all members is
19 impracticable;

20 (2) There are questions of law and fact common to
21 all members of the class, including the adequacy of psychiatric
22 care provided to class members by defendants and the
23 constitutionality of that care or lack thereof;

24 (3) The claims of the representative parties are
25 typical of the claims of the class; and

26 (4) The representative parties will fairly and
27 adequately protect the interests of the class.
28

1 B. A class action is maintainable under Rules
2 23(b)(1)(A), 23(b)(1)(B) and 23(b)(2) of the Federal Rules of
3 Civil Procedure in that:

4 (1) The prosecution of separate actions by
5 individual members of the class would create a risk of (a)
6 inconsistent or varying adjudications with respect to individual
7 members of the class which would establish incompatible standards
8 of conduct for defendants and (b) adjudications with respect to
9 individual class members which would as a practical matter be
10 dispositive of the interests of the other members not parties to
11 the adjudications.

12 (2) In maintaining its current policies and
13 practices with respect to providing psychiatric care, defendants
14 have acted or refused to act on grounds generally applicable to
15 the class.

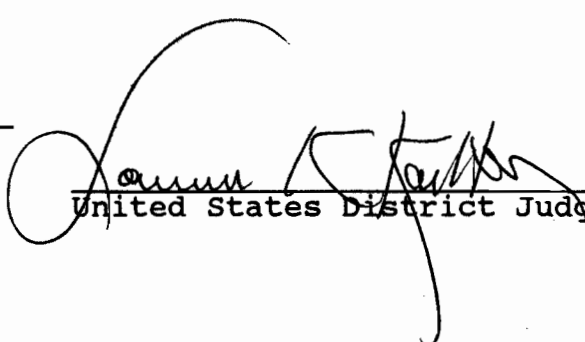
16 IT IS HEREBY ORDERED THAT the motion for class
17 certification under Rules 23(b)(1)(A), 23(b)(1)(B) and 23(b)(2)
18 of the Federal Rules of Civil Procedure is GRANTED. The class
19 shall consist of all inmates with serious mental disorders who
20 are now or who will in the future be confined within the
21 California Department of Corrections (except the San Quentin
22 State Prison, the Northern Reception Center at Vacaville and the
23 California Medical Facility-Main at Vacaville).

24 IT IS FURTHER ORDERED THAT, pursuant to Rule 23(d)(2)
25 of the Federal Rules of Civil Procedure, notice shall be given to
26 the class in the above-entitled action in the following manner:

27 Defendants shall post copies of the notice attached as
28 Exhibit A ("Notice"), at defendants' expense, on all bulletin

1 boards and all other places where notices to inmates are usually
2 posted within each of the prisons administered by the California
3 Department of Corrections (except San Quentin State Prison, the
4 Northern Reception Center at Vacaville and the California Medical
5 Facility-Main at Vacaville) ("all Prisons"). Defendants shall
6 post Notice in all Prisons no later than September 30, 1991.
7 Said Notice shall remain posted in all Prisons until further
8 order of the Court.

9 Dated: 10/23/91

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11 United States District Judge
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United States District Court
for the
Eastern District of California
October 24, 1991

* * CERTIFICATE OF SERVICE * *

2:90-cv-00520

Coleman

v.

Reagan

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on October 24, 1991, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Donald Specter
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MB/LKK

SS/JFM

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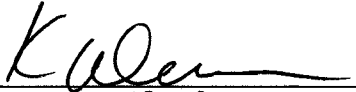
~~Amelia A Craig~~

Amelia A Craig

Case 2:90-cv-00520-KAM Document 103 Filed 10/24/91 Page 6 of 7
Hellerstein, Geraldine
333 Bush Street
Suite 3100
San Francisco, CA 94104-2878

Jack L. Wagner, Clerk

BY:


Deputy Clerk

**TO ALL PRISONERS WITH SERIOUS MENTAL DISORDERS
CONFINED WITHIN THE CALIFORNIA DEPARTMENT OF CORRECTIONS**

(Except those confined at San Quentin State Prison, the Northern Reception Center at Vacaville and the California Medical Facility-Main at Vacaville)

Five inmates at different prisons within the California Department of Corrections ("CDC") have filed a lawsuit, Coleman v. Wilson, CIVS-90-0520 LKK-JFM, in the United States District Court for the Eastern District of California. Defendants are the Governor; the Secretary of the Youth and Adult Corrections Agency; the Director of Corrections; the Assistant Director for Medical Services; and the Chief Psychiatrist of the Department of Corrections.

Plaintiffs complain that they and other prisoners with serious mental disorders are suffering from inadequate psychiatric care, including (but not limited to): improper, inadequate or non-existent screening, diagnosis and treatment for prisoners with serious mental disorders; lack of a system-wide mental health quality assurance program which would detect errors in treatment and diagnosis; and insufficient mental health staffing, facilities and resources. The prisoners also complain that they and other prisoners with serious mental disorders are subjected to discriminatory exclusion from various programs and activities including work, education therapy and other rehabilitation programs in which they are qualified to participate. Defendants deny that they have failed to provide seriously mentally ill prisoners with adequate psychiatric care. They also deny that they have discriminated against prisoners with mental disorders.

The Court has certified the lawsuit as a class action. The plaintiff class consists of all prisoners with serious mental disorders who are or will be confined within the CDC, excluding inmates at the San Quentin State Prison, the Northern Reception Center at Vacaville and the California Medical Facility-Main at Vacaville.

The prisoners are asking the Court to order the defendants to provide all seriously mentally ill prisoners with constitutionally adequate psychiatric care. This class action seeks declaratory and injunctive relief only and not money damages. Please note that this action may prejudice the right of an individual prisoner to seek damages on the basis of a separate individual action.

The United States District Court has not determined whether the above allegations are true or whether the prisoners are entitled to any relief. When the Court makes its determination, however, it will be binding on all class members whether it is favorable to them or not.

The prisoners are represented by attorneys from the following organizations and law firms: THE PRISON LAW OFFICE; ROSEN, BIEN & ASARO; McCUTCHEN, DOYLE, BROWN & ENERSEN; HELLER, EHRMAN, WHITE & McAULIFFE; and the DISABILITY RIGHTS EDUCATION AND DEFENSE FUND.

Defendants are represented by:

DANIEL E. LUNGREN, ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA
KARL MAYER
DEPUTY ATTORNEY GENERAL
455 Golden Gate Avenue, Room 6200
San Francisco, California 94102

Any prisoner who believes that he or she is seriously mentally ill or who has information relevant to this lawsuit may write to the attorneys for either side. Letters to the attorneys representing the plaintiff class should be addressed to:

HELLER, EHRMAN, WHITE & McAULIFFE
333 Bush Street
San Francisco, California 94104
Attention: Nilsa Gallardo

To prove their claims, the prisoners' attorneys may examine the central file, medical file and psychiatric file of inmates with serious mental disorders without further notice. Information obtained from inmates' files will remain confidential and will not be disclosed to anyone not connected with this lawsuit. If you would object to the attorneys' review of your files, please write to the attorneys at the addresses given above.

All letters from inmates regarding this lawsuit will be sent unopened and should be delivered for mailing in sealed envelopes marked on the front "Coleman v. Wilson."

NO LETTERS, PAPERS OR DOCUMENTS OF ANY KIND RELATING TO THIS CASE SHOULD BE SENT TO ANY JUDGE OR MAGISTRATE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA. THIS NOTICE OF CLASS ACTION IS GIVEN BY ORDER OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA.