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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,
Plaintiff,
v.
GAVIN NEWSOM, et al.,
Defendants.

No. 2:90-cv-0520 KJM DB P

ORDER¹

As required by the court’s February 28, 2023 order, ECF No. 7742, defendants have for three consecutive months filed monthly vacancy reports identifying vacancy rates in psychiatrist, psychologist, clinical social worker, recreation therapist, and medical assistant positions at each prison institution in the California Department of Corrections and Rehabilitation (CDCR) and systemwide, as well as the total number of vacant positions in each classification that must be filled to comply with the court’s October 10, 2017 order, as modified, and the monthly fines that have accumulated under the February 28, 2023 order. *See* ECF Nos. 7789, 7824, 7849. Each report shows an accumulation of fines that have exceeded \$6,700,000.00 each month. *See* ECF

¹ As the court’s minute order of earlier today states, this is the order that should have been entered on June 9, 2023 order instead of the order that appeared briefly at ECF No. 7853. That order is vacated and stricken. The court’s other June 9, 2023 order, ECF No. 7854, remains in full force and effect.

1 Nos. 7789 at 23 (\$6,944,487.00 for February 2023); 7824 at 23 (\$6,715,433.00 for March 2023);
2 7849 at 23 (\$6,814,912.00 for April 2023). Fines totaling \$20,272,832.00 have accumulated to
3 date. ECF No. 7849 at 23.

4 In accordance with the February 28, 2023 order, hearing will be set for
5 September 29, 2023 at 10:00 a.m. for consideration of findings of contempt and payment of fines
6 that have accumulated on or after March 31, 2023. The parties will prepare for this hearing and
7 the hearing will be conducted on the same schedule ordered for the contempt proceedings related
8 to compliance with inpatient transfer time lines. See ECF No. 7786 at 1-2. Given the urgency of
9 this matter, the time for closing briefs will be shortened.

10 In accordance with the above, IT IS HEREBY ORDERED that:

- 11 1. This matter is SET for hearing on **September 29, 2023** at 10:00 a.m. in Courtroom # 3
12 for consideration of findings of contempt and requirement of payment of fines that
13 have accumulated on or after March 31, 2023.
- 14 2. The parties shall disclose fact witnesses, as well as the subject of the anticipated
15 testimony, sixty days prior to the hearing date. The parties shall disclose any expert
16 witnesses as provided by Federal Rule of Civil Procedure 26(a)(2), including
17 exchanging the reports required by that rule, no later than sixty days prior to the
18 hearing date. Expert witness depositions, if any, shall be completed within thirty days
19 of disclosure.
- 20 3. The parties shall exchange exhibit lists twenty-one days prior to the hearing date, and
21 meet and confer to stipulate to a joint exhibit list to the extent possible. The parties
22 shall exchange exhibits from their respective individual exhibit lists electronically
23 seven days prior to the hearing.
- 24 4. Motions *in limine* and motions or objections relating to the admissibility of proposed
25 expert testimony, if any, shall be filed not later than fourteen days prior to the hearing,
26 with responses or objections to such motions due seven days after the motions are
27 filed.
- 28 5. Opening statements if any shall be limited to ten minutes per party.

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- 6. The parties shall jointly propose time limits for witness testimony, including whether direct testimony will be submitted by declaration or presented live, twenty-one days before hearing.
- 7. The parties shall file post-hearing or closing briefs within **fourteen** days after the close of the proceedings.
- 8. The Clerk of the Court is directed to serve a courtesy copy of this order on:

Kerry K. Dean, Deputy Chief
United States Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530.

DATED: June 12, 2023.



CHIEF UNITED STATES DISTRICT JUDGE