

1 DONALD SPECTER – 083925  
STEVEN FAMA – 099641  
2 PRISON LAW OFFICE  
1917 Fifth Street  
3 Berkeley, California 94710-1916  
Telephone: (510) 280-2621  
4

MICHAEL W. BIEN – 096891  
JANE E. KAHN – 112239  
ERNEST GALVAN – 196065  
THOMAS NOLAN – 169692  
LISA ELLS – 243657  
AARON J. FISCHER – 247391  
MARGOT MENDELSON – 268583  
KRISTA STONE-MANISTA – 269083  
ROSEN BIEN  
GALVAN & GRUNFELD LLP  
50 Fremont Street, 19th Floor  
San Francisco, California 94105-2235  
Telephone: (415) 433-6830

8 JEFFREY L. BORNSTEIN – 099358  
RANJINI ACHARYA – 290877  
9 K&L GATES LLP  
4 Embarcadero Center, Suite 1200  
10 San Francisco, California 94111-5994  
Telephone: (415) 882-8200  
11

CLAUDIA CENTER – 158255  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN  
CALIFORNIA, INC.  
39 Drumm Street  
San Francisco, California 94111-4805  
Telephone: (415) 621-2493

12 Attorneys for Plaintiffs  
13

14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

16 RALPH COLEMAN, et al.,  
17 Plaintiffs,  
18 v.  
19 EDMUND G. BROWN JR., et al.,  
20 Defendants.  
21

Case No. 2:90-CV-00520-KJM-KJN

**STIPULATION AND ORDER  
MODIFYING FEBRUARY 3, 2015  
ORDER REGARDING FIRST WATCH  
SECURITY/WELFARE CHECKS AT  
PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT**

Judge: Hon. Kimberly J. Mueller

1 The parties, with the concurrence of the Special Master, stipulate as follows:

2 Because of the unique design of the Pelican Bay State Prison Security Housing Unit  
3 (SHU), Security/Welfare Checks utilizing Guard One shall temporarily be conducted only  
4 once per hour during First Watch (2200 hours to 0600 hours) while Defendants work to  
5 assess and possibly reduce the noise caused by the opening and closing of the Unit's pod  
6 doors. Defendants since early August 2015 have been conducting twice-hourly  
7 Security/Welfare Checks at the Pelican Bay SHU, including during First Watch, in  
8 compliance with the Court's February 3, 2015 Order (Docket # 5271). Plaintiffs have  
9 requested this temporary change in the frequency of First Watch Security/Welfare Checks  
10 at the Pelican Bay SHU.

11 Defendants anticipate that contract work to assess pod-door noise will commence  
12 during the last week of January 2016. Defendants shall report to the Special Master and  
13 Plaintiffs immediately if there is any change to that schedule.

14 No later than April 1, 2016, Defendants shall report to the Special Master and  
15 Plaintiffs regarding the status of the contract work, including any changes made to the pod  
16 doors, any determinations Defendants have made regarding the pod doors, and any time-  
17 frames for further work regarding those doors.

18 The parties shall thereafter confer with the Special Master regarding this matter, and  
19 if necessary conduct a site visit to the Pelican Bay SHU to assess any changes relating to  
20 pod-door noise. This Stipulation will expire on May 1, 2015, but may be continued by  
21 further Stipulation and concurrence of the Special Master.

22 ///

23 ///

24 ///

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS SO STIPULATED.

Dated: December 24, 2015

/s/ Steven Fama  
Steven Fama  
Prison Law Office  
Attorneys for Plaintiffs

Dated: December 24, 2015

KAMALA D. HARRIS  
Attorney General of California  
DANIELLE F. O'BANNON  
Supervising Deputy Attorney General

/s/ Maneesh Sharma  
Maneesh Sharma  
Deputy Attorney General  
Attorneys for Defendants

\* \* \*

ORDER

In approving the parties' stipulation, the court clarifies that the stipulation will expire on May 1, 2016, unless the court orders otherwise before that date.

IT IS SO ORDERED.

Dated: December 28, 2015.

  
UNITED STATES DISTRICT JUDGE