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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCIANO PLATA, et al.,
Plaintiffs,
v.
GAVIN NEWSOM, et al.,
Defendants.

Case No. 01-cv-01351-JST

**ORDER RE: DEFENDANTS'
REQUEST FOR CLARIFICATION**

Re: ECF No. 3703

On September 27, 2021, the Court ordered Defendants and the Receiver to:

implement the Receiver's recommendations that (1) access by workers to CDCR institutions be limited to those workers who establish proof of full COVID-19 vaccination or have established a religious or medical exemption to vaccination and (2) incarcerated persons who desire to work outside of the institution or to have in-person visitation must be fully vaccinated against COVID-19 or establish a religious or medical exemption.

ECF No. 3684 at 21. The Court also ordered Defendants and the Receiver to "submit an implementation plan, including a deadline by which all covered persons must be vaccinated, within 14 days of the date of this order." *Id.*

Defendants and the Receiver timely filed the required plan, which calls for all individuals covered by the order to be fully vaccinated by November 29, 2021. ECF No. 3694 at 5. It noted that Defendants sought a December 20, 2021 deadline and that the Receiver denied the request, *id.* at 5 n.3, but it did not indicate that there remained any dispute over the November 29 deadline.

Defendants now suggest that uncertainty exists over the timeframe for implementing the Court's order. ECF No. 3703. To the extent Defendants and the Receiver disagree over the deadline for implementation, they shall meet and confer to attempt to resolve their dispute. The Court expects Defendants and the Receiver to provide an update regarding the implementation of

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1 the Court’s order at the next case management conference.

2 Defendants also suggest that implementation of the Court’s order would conflict with a
3 temporary restraining order issued on October 14, 2021, by Kern County Superior Court Judge
4 Bernard C. Barmann, Jr. *Id.* According to Defendants, the temporary restraining order, which
5 expires at 5:00 p.m. on October 22, 2021, enjoins Defendants from:

6 Enforcing the requirement that the CDCR staff who are Bargaining
7 Unit 6 members and specified in the August 19, 2021 California
8 Department of Public Health Order and delineated in the August 23,
9 2021 California Department of Corrections and Rehabilitation
Memorandum be fully vaccinated against COVID-19 by October 14,
2021.

10 *Id.* at 2. That order does not conflict with this Court’s order, as no one has suggested an
11 October 14, 2021 deadline for compliance with the vaccination requirements imposed by the
12 Court. Moreover, the persons to whom the temporary restraining order applies are only a subset
13 of the persons covered by the Court’s order. Thus, even if there were some overlap between the
14 Court’s order and the temporary restraining order, that would not present a conflict as to
15 implementation of the Court’s order as to all other covered individuals. The Court makes no
16 determination at this time regarding how a true conflict between this Court’s order and any order
17 issued by another court might be resolved under principles of comity, federalism, or other relevant
18 law.

19 **IT IS SO ORDERED.**

20 Dated: October 15, 2021

21 
22 JON S. TIGAR
United States District Judge