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10 Attorneys for Plaintiffs

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12

UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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15 RALPH COLEMAN, et al.,

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

16 Plaintiffs,

**PLAINTIFFS' REQUEST TO  
CONTINUE DEPARTMENT OF  
STATE HOSPITALS EVIDENTIARY  
HEARING FOR 60 DAYS**

17 v.

18 GAVIN NEWSOM, et al.,

Judge: Hon. Kimberly J. Mueller

19 Defendants.

Date: August 7, 2020

Time: 10:00 a.m.

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1 Plaintiffs hereby request that this Court continue the currently scheduled evidentiary  
2 hearing concerning class member access to Department of State Hospitals (“DSH”)  
3 programs by sixty days.

4 Based on the information provided in the ongoing Task Force meetings, Plaintiffs  
5 believe Defendants are continuing to take steps to ensure class members are not  
6 wrongfully denied access to treatment in DSH during the instant pandemic such that an  
7 evidentiary hearing is not warranted next week. Indeed, Plaintiffs have met and conferred  
8 with Defendants about such a continuance, but could not reach agreement because  
9 Defendants insist that the hearing must be taken off calendar rather than deferred.  
10 Declaration of Lisa Ells in Support of Plaintiffs’ Request to Continue DSH Evidentiary  
11 Hearing (“Ells Decl.”), filed hereto, ¶ 2. But the progress made to date has been under the  
12 watchful eye of the Special Master and with the threat of a looming evidentiary hearing,  
13 and there is good reason to believe it will not last should this Court take the evidentiary  
14 hearing off calendar or otherwise take its attention off the matter, as has historically  
15 occurred in this case. *See* May 25, 2016 Special Master’s Monitoring Report on the  
16 Mental Health Inpatient Care Programs, ECF No. 5448, at 22–40 of 371 (detailing DSH  
17 history of refusal to admit class members, and noting on pages 39-40 that the “barriers  
18 which defendants claim prevent admission of *Coleman* class members into designated beds  
19 at DSH-Atascadero are not new; they are merely recycled under a different terminology  
20 every few years”); Special Master’s Amended Report on the Current Status of *Coleman*  
21 Class Members’ Access to Inpatient Care in the Department of State Hospitals (“Amended  
22 2020 DSH Report”), ECF No. 6579 at 31-32 (noting extensive history of DSH  
23 intransigence).

24 Indeed, while progress has been made, it is tempered by the fact that the number of  
25 class members currently at DSH remains low and is not increasing. DSH’s most recent  
26 numbers show significant vacancies at DSH, including forty open Atascadero beds. Ells  
27 Decl. ¶ 3, Ex. A. Although some recent weeks have shown improvement, in most weeks  
28 the vacancies have climbed; last week, DSH admitted no *Coleman* patients, and CDCR

1 referred only two. *Id.* ¶ 3-4 & Ex. B at 1 (July 27, 2020 *Coleman*-DSH Transfer Progress  
2 Report). At the same time, the number of class members awaiting transfer to DSH is  
3 growing, and numerous class members have now waited over thirty days from referral  
4 despite Program Guide requirements. *Id.* ¶ 3, Ex. A (showing 9 patients waiting over  
5 thirty days as of July 24, 2020). Meanwhile, no one disputes that CDCR’s PIPs by and  
6 large continue to provide the same sub-constitutional level of care that existed before the  
7 pandemic took hold. *Id.* ¶ 5; *see also* Amended 2020 DSH Report, ECF No. 6579 at 19–  
8 30 (describing how “[p]roviding adequate treatment to *Coleman* class members housed in  
9 the PIPs has long posed serious challenges,” including at CHCF-PIP, CMF-PIP, and  
10 SVSP-PIP).

11         Additionally, the parties are continuing to work through the effects of various  
12 COVID-19 related complications on the CDCR to DSH transfer process, rendering any  
13 assumption premature that the DSH access issues are resolved with enough permanence to  
14 take the evidentiary hearing off calendar. For instance, all three DSH hospitals serving  
15 class members have now experienced outbreaks or suspected outbreaks, causing units or  
16 entire hospitals housing class members to go on quarantine and/or isolation status and  
17 limiting admissions. *Id.* ¶ 3, Ex. B at 1-2 (describing quarantine status at ASH, CSH, and  
18 PSH as of July 24, 2020); *id.* ¶ 6, Ex. C (describing suspended admissions to PSH as of  
19 June 18, 2020); *id.* ¶ 7, Ex. D (describing quarantine status at ASH as of July 29, 2020).  
20 Indeed, CDCR’s ongoing difficulty in securing timely COVID-19 test results have caused  
21 planned transfers of patients accepted to DSH to be delayed and cancelled. *Id.* ¶ 8. The  
22 parties continue to negotiate the appropriate way to address transfers to DSH from CDCR  
23 institutions that are closed to movement due to the pandemic, as well as what circum-  
24 stances constitute a sufficient enough clinical emergency that would require a patient to be  
25 transferred. *Id.* ¶ 9. And DSH continues to insist it can close its hospitals to *Coleman*  
26 patients while continuing to admit other types of patients, such as offenders with mental  
27 health disorders (“OMD”). *Compare* Ells Decl. ¶ 6, Ex. C (stating DSH-Patton has been  
28 closed to *Coleman* admissions since June 18), *with* Ells Decl. ¶ 10, Ex. E (showing

1 admitted OMD patients to DSH-Patton during the week of June 21). Finally, DSH  
2 recently unilaterally changed its reporting on the status of referred patients to the Task  
3 Force to include information going back only two weeks, rather than from the mid-April  
4 resumption of admissions. Ells Decl. ¶ 11. Since the format change, Plaintiffs have had  
5 difficulty reconciling DSH's various reports, and have not yet had the opportunity to seek  
6 clarity and address concerns in the Task Force process. *Id.*

7 In sum, while a sixty-day continuance of the August 7, 2020 evidentiary hearing is  
8 appropriate to ensure that Defendants continue to take appropriate steps to ensure class  
9 member access to DSH, it is premature to take the hearing off calendar completely.  
10 Temporary policies are still in flux, implications of new COVID-19 related complications  
11 continue to be negotiated weekly, and most importantly, class members continue to wait  
12 long periods of time for inpatient care in unconstitutional settings while DSH hospital beds  
13 remain vacant. The hearing must remain on calendar, and close Special Master oversight  
14 must continue for the foreseeable future.

15  
16 DATED: July 30, 2020

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Lisa Ells

Lisa Ells

Attorneys for Plaintiffs

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10 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT

13

EASTERN DISTRICT OF CALIFORNIA

14

15

RALPH COLEMAN, et al.,

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

16

Plaintiffs,

**DECLARATION OF LISA ELLS IN  
 SUPPORT OF PLAINTIFFS’  
 REQUEST TO CONTINUE DSH  
 EVIDENTIARY HEARING FOR 60  
 DAYS**

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v.

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EDMUND G BROWN, JR., et al.,

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Defendants.

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1 I, Lisa Ells, declare:

2 1. I am an attorney duly admitted to practice before this Court. I am a partner  
3 in the law firm of Rosen Bien Galvan & Grunfeld LLP, counsel of record for Plaintiffs. I  
4 have personal knowledge of the facts set forth herein, and if called as a witness, I could  
5 competently so testify. I make this declaration in support of Plaintiffs' Request to  
6 Continue the Department of State Hospitals ("DSH") Evidentiary Hearing for 60 Days.

7 2. On July 23, 2020, my colleague Michael Bien and I met and conferred with  
8 counsel for Defendants, Kyle Lewis and Roman Silberman, regarding the upcoming DSH  
9 evidentiary hearing currently slated for August 7, 2020. Defendants' counsel requested  
10 that we agree to take the hearing off calendar. We declined, and suggested a 60 day  
11 continuance instead. Defendants' counsel stated they would speak with their clients.  
12 Having heard nothing back, I asked Defendants for their response to our proposal at the  
13 end of the Task Force meeting on July 28, 2020. Defendants' counsel stated then and  
14 again later that evening by email that they would follow up shortly. On July 29, 2020,  
15 Mr. Lewis informed me by email that Defendants would not agree to a continuance and  
16 would instead seek to have the hearing taken off calendar. I informed Mr. Lewis that we  
17 would not agree, and that Plaintiffs would be filing the instant request.

18 3. Attached hereto as **Exhibits A** and **B** are true and correct copies of two  
19 documents provided to Plaintiffs and the Special Master by counsel for Defendant DSH  
20 via email on July 27, 2020. **Exhibit A** is entitled "DSH CDCR Patient Census and  
21 Waitlist Report, Data as of: 7/24/20." **Exhibit B** is entitled "*Coleman* Progress Summary,  
22 Rev. 7/27/2020."

23 4. According to data reported by Defendants at the Task Force meetings, there  
24 were 30 vacant beds at Atascadero State Hospital ("ASH") on July 3; 36 vacant beds at  
25 ASH on July 10; 33 vacant beds at ASH on July 17; and, as shown in the most recent data  
26 provided in Exhibit A, 40 vacant beds at ASH as of July 24. Defendants reported 4 vacant  
27 beds at Coalinga State Hospital ("CSH") on July 3 and 10; 5 vacant beds at CSH on  
28 July 17; and, as shown in the most recent data provided in Exhibit A, 7 vacant beds at CSH

1 as of July 24. Defendants reported 19 vacant beds at Patton State Hospital (“PSH”) on  
2 July 3; 20 vacant beds at PSH on July 10 and 17; and, as shown in the most recent data  
3 provided in Exhibit A, 21 vacant beds at PSH as of July 24.

4 5. At the July 28, 2020 Task Force meeting, it was generally agreed by  
5 representatives of CDCR Mental Health and the Special Master team that the PIPs—except  
6 CIW and CMF L-1—are unable to provide minimally adequate mental health care.

7 6. Attached hereto as **Exhibit C** is a true and correct copy of an email entitled  
8 “DSH-Patton COVID-19 Information,” which was sent to Plaintiffs and the Special Master  
9 by counsel for Defendant DSH on June 18, 2020.

10 7. Attached hereto as **Exhibit D** is a true and correct copy of an email entitled  
11 “Coleman v Newsom: ASH Coleman Unit Quarantined,” which was sent to Plaintiffs and  
12 the Special Master by counsel for Defendant DSH on July 29, 2020.

13 8. At the June 23, 2020 Task Force meeting, representatives for DSH and  
14 CDCR Mental Health reported that eight patients who had been accepted for transfer to  
15 DSH the prior week did not actually transfer because of CDCR delays in securing negative  
16 test results, which then required numerous patients to be retested and secure a second  
17 negative test before they could be endorsed and transferred to DSH.

18 9. In the Task Force meetings, the parties are continuing to negotiate the  
19 appropriate way to address transfers to DSH from CDCR institutions that are closed to  
20 movement due to the pandemic, as well as what circumstances constitute a sufficient  
21 enough clinical emergency to require that a patient be transferred.

22 10. Attached hereto as **Exhibit E** is a true and correct copy of a document  
23 entitled “OMD Admissions, Admissions from June 21, 2020 through June 27, 2020,”  
24 which was provided to Plaintiffs and the Special Master by counsel for Defendant DSH via  
25 email on June 29, 2020. This document has been redacted to remove the patients’ names.

26 11. In the weekly reports submitted in advance of the July 21, 2020 Task Force  
27 meeting, DSH changed its reporting on the status of referred patients to include  
28 information going back only two weeks, rather than from the mid-April resumption of

1 admissions. Since the format change, Plaintiffs have had difficulty reconciling DSH's  
2 various reports, and have not yet had the opportunity to seek clarity and address concerns  
3 in the Task Force process.

4 I declare under penalty of perjury under the laws of the United States of America  
5 that the foregoing is true and correct, and that this declaration is executed at San Francisco,  
6 California this 30th day of July, 2020.

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/s/ Lisa Ells  
Lisa Ells



# **EXHIBIT A**

**From:** Kent, Kristopher@DSH-S <Kristopher.Kent@dsh.ca.gov>  
**Sent:** Monday, July 27, 2020 7:30 PM  
**To:** Kerry F. Walsh; Michael W. Bien; Lisa Ells; Jessica Winter; Cara Trapani; Amy Xu; Marc Shinn-Krantz; Donald Specter; Steve Fama; Ciccotti, Christine@DSH-S; Bachman, Ellen@DSH-S; Hendon, Catherine@DSH-S; Nina Raddatz; Toche, Diana@CDCR; Bick, Joseph@CDCR; Neill, Jennifer@CDCR; Ponciano, Angela@CDCR; Nick Weber; Melissa Bentz; Barney-Knox, Barbara@CDCR; Golding, Michael@CDCR; Mehta, Amar@CDCR; Kyle Lewis; Elise Thorn; Lucas Hennes; Ed Swanson; 'Silberfeld, Roman M.'; Barrow, Roscoe@CDCR; Tyler Heath; Michael Ryan  
**Cc:** Matt Lopes; Mohamedu Jones; Kerry F. Walsh; Kristina Hector; Angie Cooper; Tim Rougeux; Jeffrey Metzner; Kerry Courtney Hughes, MD; Mary Perrien; Henry D. Dlugacz; Lindsay Hayes; Mary Perrien; Maria Masotta; Karen Rea; Jamas DeGroot; Brian Main; Kahlil Johnson; Sharen Barboza; Sofia Millham; Dan Potter  
**Subject:** DSH Task Force Reports  
**Attachments:** 1 Coleman Patient Census and Waitlist Report 7-24-20.pdf; 2 Census by Unit Coleman 7-24-20.pdf; 3 Coleman Discharges 7-18-20 to 7-24-20.pdf; 4\_ OMD Admissions 7-18-20 to 7-24-20.pdf; Coleman DSH Transfer Progress Report -Final 7-27-2020.pdf; Coleman Progress Report Summary Table\_7-27-2020.pdf

Hello All,  
Please find attached the DSH reports for this week. Thanks, Kris

Patient Management Unit  
1600 Ninth Street, Room 420  
Sacramento, CA 95814

# Draft



## DSH CDCR Patient Census and Waitlist Report

Data as of: 7/24/20

### Acute Care Patients

DSH Facility - Acute - Female	Bed Capacity	Census	Beds on Hold <sup>1</sup>	Beds Redlined <sup>2</sup>	Medical Isolation Rooms <sup>3</sup>	Available Beds	Waitlist			Total Patients Awaiting Admission
							Referrals Pending Review	Accepted Referrals		
						CDCR Prison <sup>4</sup>		CDCR PIP <sup>5</sup>		
Patton <sup>6</sup>	-	0	0	0	0	0			0	
<b>Total</b>	-	0	0	0	0	0	0	0	(Includes 0 Waiting >10 Days)	

### Intermediate Care Low Custody - Unlocked Dorms

DSH Facility - Unlocked Dorms	Bed Capacity	Census	Beds on Hold <sup>1</sup>	Beds Redlined <sup>2</sup>	Medical Isolation Rooms <sup>3</sup>	Available Beds	Waitlist <sup>7</sup>			Total Patients Awaiting Admission
							Referrals Pending Review	Accepted Referrals		
						CDCR Prison <sup>4</sup>		CDCR PIP <sup>5</sup>		
Atascadero	256	216	0	0	0	40				
Coalinga	50	43	0	0	0	7				
<b>Total</b>	306	259	0	0	0	47	3	6	15	
										(Includes 9 Waiting >30 Days) <sup>8</sup>

### Intermediate Care Low Custody - Unlocked Dorms - Female

DSH Facility - Unlocked Dorms - Female	Bed Capacity	Census	Beds on Hold <sup>1</sup>	Beds Redlined <sup>2</sup>	Medical Isolation Rooms <sup>3</sup>	Available Beds	Waitlist <sup>7</sup>			Total Patients Awaiting Admission
							Referrals Pending Review	Accepted Referrals		
						CDCR Prison <sup>4</sup>		CDCR PIP <sup>5</sup>		
Patton <sup>6</sup>	30	9	0	0	0	21				
<b>Total</b>	30	9	0	0	0	21	0	4	0	
										(Includes 0 Waiting >30 Days)

<sup>1</sup>Beds on hold are assigned for internal patient movement and patients waiting to transfer to DSH. When allocated *Coleman* beds are at maximum capacity within the facility, beds with patients pending discharge may be placed on hold for accepted patients to maximize bed utilization. This may result in negative totals for available beds, but does not necessarily imply exceeding capacity.

<sup>2</sup>Redlined beds are temporarily unavailable due to repairs.

<sup>3</sup>Medical isolation rooms are required for licensing and physically differ from the other housing in the program, i.e., have showers or restricted sightlines into the cell, and are deemed inappropriate for everyday use.

<sup>4</sup>Direct referrals from a CDCR prison for patients awaiting transfer to DSH for inpatient treatment.

<sup>5</sup>Referrals for patients currently receiving inpatient treatment within a CDCR PIP referred to DSH for stepdown of LRH or Level of Care change.

<sup>6</sup>Beds at DSH-P are for female patients only.

<sup>7</sup>Waitlist includes 13 referrals on hold by CDCR.

<sup>8</sup>Patients waiting >30 days are due to COVID-19 holds on referring facilities, which may include COVID-19 holds recently lifted.

# **EXHIBIT B**

**From:** Kent, Kristopher@DSH-S <Kristopher.Kent@dsh.ca.gov>  
**Sent:** Monday, July 27, 2020 7:30 PM  
**To:** Kerry F. Walsh; Michael W. Bien; Lisa Ells; Jessica Winter; Cara Trapani; Amy Xu; Marc Shinn-Krantz; Donald Specter; Steve Fama; Ciccotti, Christine@DSH-S; Bachman, Ellen@DSH-S; Hendon, Catherine@DSH-S; Nina Raddatz; Toche, Diana@CDCR; Bick, Joseph@CDCR; Neill, Jennifer@CDCR; Ponciano, Angela@CDCR; Nick Weber; Melissa Bentz; Barney-Knox, Barbara@CDCR; Golding, Michael@CDCR; Mehta, Amar@CDCR; Kyle Lewis; Elise Thorn; Lucas Hennes; Ed Swanson; 'Silberfeld, Roman M.'; Barrow, Roscoe@CDCR; Tyler Heath; Michael Ryan  
**Cc:** Matt Lopes; Mohamedu Jones; Kerry F. Walsh; Kristina Hector; Angie Cooper; Tim Rougeux; Jeffrey Metzner; Kerry Courtney Hughes, MD; Mary Perrien; Henry D. Dlugacz; Lindsay Hayes; Mary Perrien; Maria Masotta; Karen Rea; Jamas DeGroot; Brian Main; Kahlil Johnson; Sharen Barboza; Sofia Millham; Dan Potter  
**Subject:** DSH Task Force Reports  
**Attachments:** 1 Coleman Patient Census and Waitlist Report 7-24-20.pdf; 2 Census by Unit Coleman 7-24-20.pdf; 3 Coleman Discharges 7-18-20 to 7-24-20.pdf; 4\_OMD Admissions 7-18-20 to 7-24-20.pdf; Coleman DSH Transfer Progress Report -Final 7-27-2020.pdf; Coleman Progress Report Summary Table\_7-27-2020.pdf

Hello All,  
Please find attached the DSH reports for this week. Thanks, Kris

Office of the Director  
1600 9<sup>th</sup> Street, Room 151  
Sacramento, California 95814  
[www.dsh.ca.gov](http://www.dsh.ca.gov)



## Coleman Progress Summary

Rev. 7/27/2020

- I. Overall Summary
  - a. Between July 20 and July 24, DSH received 2 *Coleman* referrals for review.
  - b. Between July 20 and July 24, DSH admitted 0 *Coleman* patients.
    - i. Transportation was being arranged for 2 patients (CMF) who were placed on an emergency hold the evening prior to transport to evaluate COVID-19 exposure risk.
    - ii. As of July 24, DSH has 6 patients with endorsements: 2 patients are on COVID-19 holds; 2 endorsements were received 7/21 and are under final review, and possibly need new tests due to the time passed since the test was conducted (tests collected on 7/16/20); 1 endorsement was received 7/23; and 1 endorsement was received at the end of day 7/24.
  - c. Additional detail for the week of July 20<sup>th</sup> and any changes from the previous week are highlighted in the attached Summary Table.
- II. Closed CDCR Institutions
  - a. CDCR closed California Medical Facility for patient movement due to a positive COVID-19 case in Mental Health Crisis Beds housing; contact tracing is currently underway in order to clear 2 referrals from CMF of exposure risk.
  - b. An additional 11 patients remain on hold from the following facilities: California State Prison-Corcoran (1), California Health Care Facility-Stockton (6), California Institution for Women (4).
- III. DSH Facility Quarantine Status as of July 24, 2020
  - a. DSH-Atascadero
    - i. DSH-Atascadero has 4 housing units on quarantine. No *Coleman* units are on quarantine at this time.
    - ii. No *Coleman* patients are showing symptoms or have had a positive COVID-19 test.
  - b. DSH-Coalinga
    - i. DSH-Coalinga has 9 housing units on quarantine. On July 24, Unit 21, the *Coleman* treatment unit was quarantined due to a staff member testing positive.
    - ii. No *Coleman* patients are showing symptoms or have had a positive COVID-19 test.

- c. DSH-Patton:
  - i. DSH-Patton has 19 housing units on quarantine and 3 on isolation.
  - ii. The *Coleman* patients are housed in Unit 33, which is not currently on quarantine, as it was lifted on July 6, 2020.
  - iii. No *Coleman* patients are showing symptoms or have had a positive COVID-19 test.
  - iv. At this time DSH-Patton has suspended admissions to the hospital.

IV. Other Key Updates

- a. DSH-Atascadero's Unit 23 transitioned to an Admission Observation unit, effective July 6, 2020. Census, as a result, is temporarily reduced in this unit to implement the transition.
- b. DSH-Patton Pending Discharges: Due to COVID-19 quarantine at Patton, 5 discharges are temporarily on hold.
- c. Additional data metrics have been incorporated for the Summary Table to illustrate point-in-time average days waited for referrals that were not impacted by facility closure, and average days waited for referrals that were placed on hold due to COVID-19 concerns.

V. Weekly Report Inventory

- a. *Coleman* Patient Census and Waitlist
- b. Census by Unit for *Coleman* units
- c. *Coleman* Discharges
- d. OMD Admissions
- e. Written Progress Report (includes Patient Activity Detail Table)

# **EXHIBIT C**



**From:** Kent, Kristopher@DSH-S <Kristopher.Kent@dsh.ca.gov>  
**Sent:** Thursday, June 18, 2020 8:52 AM  
**To:** Amy Xu; Kerry F. Walsh; Michael W. Bien; Lisa Ellis; Jessica Winter; Cara Trapani; Marc Shinn-Krantz; Donald Specter; Steve Fama; Ciccotti, Christine@DSH-S; Bachman, Ellen@DSH-S; Hendon, Catherine@DSH-S; Nina Raddatz; Toche, Diana@CDCR; Bick, Joseph@CDCR; Neill, Jennifer@CDCR; Daye, Eureka@CDCR; Ponciano, Angela@CDCR; Nick Weber; Melissa Bentz; Barney-Knox, Barbara@CDCR; Golding, Michael@CDCR; Mehta, Amar@CDCR; 'Kyle Lewis'; Elise Thorn; 'Lucas Hennes'; Ed Swanson; 'Silberfeld, Roman M.'; Barrow, Roscoe@CDCR; Tyler Heath  
**Cc:** Matt Lopes; Mohamedu Jones; Kerry F. Walsh; Kristina Hector; Angie Cooper; Tim Rougeux; Jeffrey Metzner; Kerry Courtney Hughes, MD; Mary Perrien; Henry D. Dlugacz; Lindsay Hayes; Mary Perrien; Maria Masotta; Karen Rea; Jamas DeGroot; Brian Main; Kahlil Johnson; Sofia Millham; Sharen Barboza  
**Subject:** DSH-Patton COVID-19 Information

Hello All,

We wanted to confirm in writing what we updated on this week's task force, that admissions to DSH-Patton have been suspended due to COVID-19 cases. Currently we have 8 housing units on Quarantine and 2 on isolation. The *Coleman* patients are housed in unit 33, which is one of our quarantined units. As of today, no *Coleman* patients are showing symptoms or have had a positive COVID-19 test. At the time we suspended admissions to the hospital, we had no pending *Coleman* referrals. We will update the task force when the quarantine of Unit 33 is lifted.

Please let us know if you have any further questions.

# **EXHIBIT D**

**From:** Nina Raddatz <Antonina.Raddatz@dsh.ca.gov>  
**Sent:** Wednesday, July 29, 2020 4:29 PM  
**To:** Matt Lopes; Mohamedu Jones; Kerry F. Walsh  
**Cc:** Michael W. Bien; Lisa Ells; Kyle Lewis; Elise Thorn; Tyler Heath; Melissa Bentz; Nick Weber; Ciccotti, Christine@DSH-S; Kent, Kristopher@DSH-S  
**Subject:** Coleman v Newsom: ASH Coleman Unit Quarantined

Dear Special Master Lopes,

The purpose of this email is to let you know that Unit 33, a *Coleman* unit, at DSH-Atascadero was quarantined today. A *Coleman* patient on that unit was placed into isolation and the unit is now on quarantine. COVID-19 test results for this patient are pending.

Respectfully,

*Antonina (Nina) Raddatz*

Attorney III

Department of State Hospitals

Legal Division

1600 9th Street, Suite 437

Sacramento, CA 95814

**Work Mobile:** (916) 208-9544 **\*\*Please Note: I am working remotely. Please direct all calls to this number\*\***



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**DO NOT FORWARD EMAIL WHICH IS SUBJECT TO ATTORNEY CLIENT PRIVILEGE.**

# **EXHIBIT E**

**From:** Kent, Kristopher@DSH-S <Kristopher.Kent@dsh.ca.gov>  
**Sent:** Monday, June 29, 2020 7:03 PM  
**To:** Kerry F. Walsh; Michael W. Bien; Lisa Ells; Jessica Winter; Cara Trapani; Amy Xu; Marc Shinn-Krantz; Donald Specter; Steve Fama; Ciccotti, Christine@DSH-S; Bachman, Ellen@DSH-S; Hendon, Catherine@DSH-S; Nina Raddatz; Toche, Diana@CDCR; Bick, Joseph@CDCR; Neill, Jennifer@CDCR; Daye, Eureka@CDCR; Ponciano, Angela@CDCR; Nick Weber; Melissa Bentz; Barney-Knox, Barbara@CDCR; Golding, Michael@CDCR; Mehta, Amar@CDCR; Kyle Lewis; Elise Thorn; Lucas Hennes; Ed Swanson; 'Silberfeld, Roman M.'; Barrow, Roscoe@CDCR; Tyler Heath  
**Cc:** Matt Lopes; Mohamedu Jones; Kerry F. Walsh; Kristina Hector; Angie Cooper; Tim Rougeux; Jeffrey Metzner; Kerry Courtney Hughes, MD; Mary Perrien; Henry D. Dlugacz; Lindsay Hayes; Mary Perrien; Maria Masotta; Karen Rea; Jamas DeGroot; Brian Main; Kahlil Johnson; Sharen Barboza; Sofia Millham  
**Subject:** DSH COVID-19 Task Force Reports  
**Attachments:** 1 Coleman Patient Census and Waitlist Report 6-26-2020.pdf; 2 Census by Unit Coleman 6-26-20.pdf; 3 Coleman Discharges 6-21-20 to 6-27-20.pdf; 4 OMD Admissions 6-21-20 to 6-27-20.pdf

Hello All,

Please find attached the DSH reports for this week's task force meeting. The progress report will be forthcoming. Thanks, Kris

**DIVISION OF HOSPITAL STRATEGIC PLANNING AND IMPLEMENTATION**

Patient Management Unit  
 1600 Ninth Street, Room 420  
 Sacramento, CA 95814

**Draft**



**OMD Admissions**

Admissions from June 21, 2020 through June 27, 2020

Name	Legal Class Group	Gender	Referring Source	DSH Facility	Admission Date
[REDACTED]	OMD	M	MULE CREEK STATE PRISON, IONE	ATASCADERO	6/26/20
	OMD	F	CALIFORNIA INSTITUTION FOR WOMEN	PATTON	6/26/20
	OMD	F	CENTRAL CA. WOMEN'S FACILITY, CHOWCHILLA	PATTON	6/25/20
	OMD	M	CALIFORNIA HEALTH CARE FACILITY	ATASCADERO	6/24/20
	OMD	M	CALIF. STATE PRISON, SAC (NEW FOLSOM)	ATASCADERO	6/23/20
	OMD	M	COND. RELEASE PGM.	ATASCADERO	6/23/20
	OMD	M	CALIFORNIA HEALTH CARE FACILITY	ATASCADERO	6/22/20
	OMD	F	COURT	METROPOLITAN	6/22/20
	OMD	M	CALIFORNIA MENS COLONY	ATASCADERO	6/22/20
<b>Total: 9 Patients</b>					