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10 Attorneys for Plaintiffs

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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
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15 RALPH COLEMAN, et al.,

16 Plaintiffs,

17 v.

18 GAVIN NEWSOM, et al.,

19 Defendants.

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

**NOTICE OF WITHDRAWAL OF
MOTION AND REQUEST TO
VACATE HEARING**

Date: OCT. 1, 2020

Time: 2 PM

Crtrm.: VIDEOCONFERENCE

Judge: Kimberly J. Mueller

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21 On September 24, 2020, the Court entered an Order setting an expedited briefing
22 schedule on Plaintiffs' request for an order directing Defendants to address the needs of the
23 Coleman class members in their quarantine and isolation plans and scheduling a hearing on
24 Plaintiffs' motion for October 1, 2020. (ECF No. 6883) Plaintiffs filed their expedited
25 motion on September 25, 2020, seeking an order requiring that Defendants (1) develop,
26 within two weeks, a safe plan to set aside and maintain during the COVID-19 pandemic
27 sufficient separate quarantine space for class members at the EOP and higher levels of
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1 care, (2) create policies, within two weeks, governing these higher-acuity mental health
2 patients in both quarantine and isolation settings, and (3) issue an interim directive
3 requiring all CDCR institutions to ensure separate programming and appropriate mental
4 health care for these patients in existing quarantine and isolation spaces. Additionally,
5 Plaintiffs request that the Court order the Special Master to monitor Defendants'
6 compliance with these requirements. (ECF No. 6887.) Defendants filed their opposition
7 to Plaintiffs' motion on September 29, 2020. (ECF No. 6890.)

8 The parties met and conferred on September 28, 2020, to discuss this issue. During
9 the meeting, Plaintiffs requested a written proposal regarding housing and treating class
10 members in COVID-19 set aside quarantine space. Defendant California Department of
11 Corrections and Rehabilitation (CDCR) provided a written proposal to Plaintiffs and the
12 Special Master on September 29, 2020. To allow time for consideration and response to
13 CDCR's proposal, Plaintiffs now request that the hearing set for October 1, 2020 be
14 vacated, and the motion deemed withdrawn without prejudice to re-noticing in the event
15 that the parties cannot resolve the issues within a reasonable time.

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17 DATED: September 30, 2020

Respectfully submitted,

18 ROSEN BIEN GALVAN & GRUNFELD LLP

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20 By: */s/ Ernest Galvan*

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Ernest Galvan

22 Attorneys for Plaintiffs
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