

THIRD SUPPLEMENTAL EXPERT REPORT OF RONALD SHANSKY, M.D.  
SEPTEMBER 28, 2008

1. I make this third Supplemental Report after reviewing the Receiver's Ninth Quarterly Report, filed September 15, 2008.

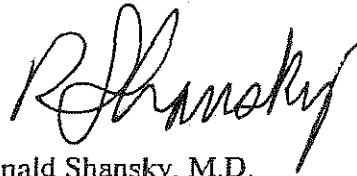
2. My opinions as stated in my previous reports remain unchanged. Certain of those opinions are further supported by matters included in the Receiver's Ninth Report.

3. Overcrowding delays the time-frame in which the CDCR medical care delivery system will be able adequately respond to the serious medical needs of its prisoners. The Ninth Report discusses problems identified and remedial efforts found necessary following the death of a California prisoner transferred to an out-of-state facility, and the impact of that incident on in-state remedial efforts. Ninth Report at pages 48-49. Addressing that matter "had a serious negative impact on the office of the Receiver, drawing clinical personnel away f[ro]m other important projects and delaying 'in-state' remedial efforts. In essence, thousands of dollars of valuable clinical hours have been devoted to helping a private prison . . . rework its medical delivery system . . . in order to keep the out of state transfer process from collapsing. In fact, the in state remedial process has suffered as a result." *Id.* at page 49. This is an example of how population pressures and addressing overcrowding interfere with and detract from efforts to improve medical care.

4. The Receiver reports that the prisoner death rate in California has been trending downward for the last ten quarters. Ninth Report at pages 68-70. This is

an encouraging development. Discussing this development, the Receiver emphasizes that, "a constitutionally adequate and sustainable prison medical system will not be established until the Turnaround Plan of Action is fully implemented." *Id.* at pages 69-70. I agree, and the inadequate system will continue to exist for longer than it otherwise would unless there is a significant reduction in the population.

Dated: September 28, 2008

A handwritten signature in black ink, appearing to read "R. Shansky". The signature is written in a cursive, somewhat stylized font.

Ronald Shansky, M.D.