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ENDORSED  
FILED  
ALAMEDA COUNTY

FEB 25 2016

CLERK OF THE SUPERIOR COURT  
By S. McMullen Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF ALAMEDA

14 MARGARET FARRELL,

Plaintiff,

16 v.

18 SCOTT KERNAN,

Defendant.

Case No. RG 03079344

STIPULATION AND [Proposed] ORDER  
DISMISSING CONSENT DECREE WITH  
PREJUDICE

Date: February 25, 2016  
Time: 10:00 a.m.  
Dept: 18  
Judge: The Honorable Kimberly E.  
Colwell  
Trial Date: None  
Action Filed: January 16, 2003

22 This is an action concerning conditions of confinement for juveniles housed by the  
23 California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice  
24 (DJJ). Plaintiff filed a complaint against defendant Secretary of CDCR for injunctive and  
25 declaratory relief to prohibit the illegal expenditure of taxpayer funds on policies, procedures, and  
26 practices that plaintiff alleged were unlawful under state law. The parties entered a Consent  
27 Decree, which this Court approved on November 19, 2004. Under the Consent Decree and  
28

1 subsequent related orders, defendant was required, to develop and implement detailed remedial  
2 plans to address specific deficiencies identified in the plans. (See Consent Decree ¶ 8.)

3 This Court has already terminated the Health Care Remedial Plan, including Dental Care  
4 (Order, October 18, 2012 and Order, February 15, 2013), the Wards with Disabilities Remedial  
5 Plan (Order, August 7, 2013), the Sex Behavior Treatment Program Remedial Plan (Order,  
6 October 7, 2013), the Education Remedial Plan (Order, July 18, 2013 and Order, March 6, 2015),  
7 and with specific exceptions, the Safety and Welfare Remedial Plan (Order, March 6, 2015).

8 The parties now agree that defendant has substantially satisfied every obligation under the  
9 only remaining remedial plans still in effect: the Safety and Welfare Remedial Plan, the Mental  
10 Health Remedial Plan, and those portions of the Consent Decree related to Mental Health and  
11 Safety and Welfare. A comprehensive system is now in place to ensure that the DJJ provides for  
12 adequate and effective care, treatment, and rehabilitative services under the California  
13 Constitution and State law. On these bases and because this Court previously dismissed all other  
14 remedial plans, the parties agree to dismiss this case with prejudice and further agree that all  
15 provisions of the Remedial Plans, Consent Decree, and other Orders shall be terminated.


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1 In accord with California Code of Civil Procedure § 368.5, this case shall be known as  
2 *Farrell v. Kernan.*

3 **IT IS SO STIPULATED AND AGREED:**

4 Dated: 2/25/16

OFFICE OF THE ATTORNEY GENERAL OF  
THE STATE OF CALIFORNIA

6  
7 By:   
8 WILLIAM C. KWONG  
9 VAN KAMBERIAN  
Deputy Attorneys General  
Attorneys for Defendant

10 Dated: 2/25/16


PRISON LAW OFFICE

12  
13 By:   
14 DONALD SPECTER  
SARA NORMAN  
Attorneys for Plaintiff

15 **IT IS SO ORDERED.**

16 Dated: 2/25/2016

ALAMEDA COUNTY SUPERIOR COURT

18  
19 By:   
20 KIMBERLY COLWELL  
21 JUDGE OF THE SUPERIOR COURT

22  
23 SA2003100243