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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

~~PROPOSED~~ STIPULATION AND
 ORDER REGARDING PLAINTIFFS'
 MOTION TO PROTECT
 ARMSTRONG CLASS MEMBERS
 DURING THE COVID-19 PANDEMIC
 Judge: Hon. Claudia Wilken

1 The Parties have met and conferred regarding Plaintiffs' Motion to Protect
2 *Armstrong* Class Members During the COVID-19 Pandemic (ECF No. 2996) and submit
3 this [proposed] stipulation and order. The parties, through their counsel, agree to the
4 following:

5 1. Defendants may not house *Armstrong* class members in inaccessible housing
6 locations. Defendants shall house *Armstrong* class members in isolation and quarantine
7 units in accordance with the COVID-19 housing protocols issued by the Federal Receiver
8 and shall not house *Armstrong* class members who have not before tested positive for
9 COVID-19 in any housing unit that exposes them to people with active, confirmed cases of
10 COVID-19 because of their disabilities or accommodation needs. Defendants must
11 establish and maintain adequate safe, accessible housing at all institutions housing class
12 members with impacting-placement disabilities (including people designated DLT) for the
13 duration of the pandemic.

14 2. Defendants are ordered to develop and implement a plan to ensure that the
15 ADA worker program can safely and effectively function without undue risk of
16 transmission of COVID-19 at the institutions or that that program is replaced by a safe
17 alternative method of providing disability-related assistance to class members.

18 3. The Court directs its expert or his designee to conduct a review of the
19 sufficiency of Defendants' existing supply of accessible housing, including for purposes of
20 medical isolation and quarantine in the event of COVID-19 outbreaks, to confer with the
21 Federal Receiver in *Plata v. Newsom*, and to present his recommendations to the Court as
22 soon as possible, but no more than thirty days from the date of this order.

23 4. If, due to emergent and unforeseen circumstances, Defendants temporarily
24 are not able to house an *Armstrong* class member in safe, accessible housing, Defendants
25 shall: (a) within 24 hours, provide notice to Plaintiffs, the Court Expert, and the Receiver,
26 and confer with the Court Expert and representatives for Plaintiffs and the Receiver as
27 soon as possible; (b) take all possible steps to find safe, accessible housing within 24
28 hours, conduct a review of the class member's placement each day thereafter, and provide

the results of those reviews to Plaintiffs and the Court Expert; and, (c) if the class member is not housed in safe, accessible housing for more than seven consecutive days, provide notice to the Court on the eighth day, including a report on all corrective action considered and taken.

Within thirty days of this order, Defendants shall submit a report to this Court describing the steps they have taken to comply with the order, and attesting to their compliance with the order.

This order is narrowly drawn, extends no further than necessary to correct the violation of the federal rights of *Armstrong* class members, and is the least intrusive means necessary to correct that violation.

IT IS SO STIPULATED

DATED: July 20, 2020

Respectfully submitted,
PRISON LAW OFFICE

By: /s/ Rita Lomio
Rita Lomio

Attorneys for Plaintiffs

DATED: July 20, 2020

XAVIER BECERRA
Attorney General of the State of California

By: /s/ Joanna B. Hood
Joanna B. Hood
Supervising Deputy Attorney General

Attorneys for Defendants

FILER'S ATTESTATION


As required by Local Rule 5-1, I, Joanna B. Hood, attest that I obtained concurrence in the filing of this document from Rita Lomio, and that I have maintained records to support this concurrence.

DATED: July 20, 2020

/s/ Joanna B. Hood
Joanna B. Hood

IT IS SO ORDERED.

DATED: July 20, 2020


The Honorable Claudia Wilken
United States Senior District Judge

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