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17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19

20 JOHN ARMSTRONG, et al.,
 21 Plaintiffs,
 22 v.
 23 GAVIN NEWSOM, et al.,
 24 Defendants.
 25

Case No. C94 2307 CW

~~PROPOSED~~ STIPULATION AND
 ORDER REGARDING THE COURT
 EXPERT’S REPORT AND
 RECOMMENDATIONS REGARDING
 HOUSING OF ARMSTRONG CLASS
 MEMBERS DURING THE COVID-19
 PANDEMIC

Judge: Hon. Claudia Wilken

1 The Parties have met and conferred regarding the Court Expert’s Report and
2 Recommendations Regarding Housing of *Armstrong* Class Members During the COVID-
3 19 Pandemic (“Report”) (Doc. No. 3048), and the Plaintiffs’ objections and responses
4 thereto, and through their counsel, agree to the following:

5 Pandemic Response Plans

6 (1) Defendants must immediately revisit and revise pandemic response plans at
7 the institutions identified in the Court Expert’s Report as having insufficiently accounted
8 for the needs of *Armstrong* class members, as well as at the California State Prison,
9 Sacramento; Folsom State Prison; and San Quentin State Prison. Defendants must propose
10 new quarantine and isolation spaces at those institutions that are sufficient for *Armstrong*
11 class members and provide them to Plaintiffs and the Court Expert upon completion.
12 Defendants must make a good faith effort to complete this process within fourteen days,
13 and no later than twenty-one days, of this Order. At that time, Defendants must identify
14 which buildings or portions of buildings will be used for quarantine and which will be used
15 for isolation, as well as any planned limitations on which type of people will be housed in
16 each area (e.g., by classification level, mental health status, or SNY status).

17 (2) In designated substitute or additional quarantine and isolation space,
18 Defendants must ensure there are both necessary architectural accommodations and
19 sufficient DPW-accessible and lower/lower beds according to the methodologies applied in
20 the Court Expert’s Report.

21 (3) If Defendants designate substitute or additional quarantine and isolation
22 space at any institution, including in response to concerns raised through *Plata v. Newsom*
23 and *Coleman v. Newsom*, they shall notify Plaintiffs and the Court Expert within seventy-
24 two hours. At that time, Defendants must identify which buildings or portions of buildings
25 will be used for quarantine and which will be used for isolation, as well as any planned
26 limitations on which type of people will be housed in each area (e.g., by classification
27 level, mental health status, or SNY status).

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1 (4) Defendants must develop a reliable process within twenty-one days of this
2 Order to ensure that adequate accessible quarantine and isolation space is set-aside in
3 advance of *Armstrong* class members transferring into the institution, and in response to
4 any changes in disability codes or movement within an institution.

5 Architectural Modifications

6 (5) Defendants must, within fourteen days of the Court's order, make all
7 necessary modifications to render any existing designated quarantine or isolation space at
8 an institution accessible to all DPP codes housed at that institution and produce an
9 inventory and photographs of such modifications to Plaintiffs and the Court Expert.

10 (6) If Defendants designate or use additional space for quarantine or isolation,
11 Defendants must make a good faith effort to complete all necessary modifications to
12 render that space accessible to all DPP codes housed at the institution within fourteen days
13 of the designation, and produce an inventory and photographs of such modifications to
14 Plaintiffs and the Court Expert. If Defendants are unable to complete necessary
15 modifications to a newly designated quarantine or isolation space within fourteen days,
16 Defendants shall provide Plaintiffs and the Court Expert a written explanation for the delay
17 and meet and confer with Plaintiffs and the Court Expert to resolve the issue if necessary.

18 (7) If a class member is placed in a quarantine or isolation space before
19 necessary modifications to make that space accessible to the class member are completed,
20 Defendants must make all necessary modifications to render that space accessible to that
21 class member within forty-eight hours, and produce an inventory and photographs of such
22 modifications to Plaintiffs and the Court Expert.

23 (8) The parties must meet and confer on any deficiencies identified by Plaintiffs
24 and raise with the Court Expert any issues the parties believe may need to be brought to
25 the Court's attention.

26 (9) This section is not intended to prevent an institution from utilizing isolation
27 or quarantine space that is specifically designated for housing non-class members,
28 provided the institution also provides adequate space for class members consistent with the

1 methodologies in the Court Expert’s Report.

2 Non-Architectural Accommodations

3 (10) Defendants must ensure that class members in quarantine and isolation have
4 the same access to whatever programming, recreation, and outside communication is
5 available to other people in quarantine and isolation.

6 (11) Defendants must, within fourteen days of the Court’s order, provide all
7 necessary non-architectural accommodations to render any existing designated quarantine
8 or isolation space at an institution accessible to all DPP codes housed at the institution and
9 produce an inventory of such accommodations to Plaintiffs and the Court Expert.

10 (12) If Defendants designate or use additional space for quarantine or isolation,
11 Defendants must make a good faith effort to provide all necessary non-architectural
12 accommodations to render that space accessible to all DPP codes housed at the institution
13 within fourteen days of the designation, and produce an inventory of such accommodations
14 to Plaintiffs and the Court Expert. If Defendants are unable to provide all necessary
15 accommodations for a newly designated quarantine or isolation space within fourteen days,
16 Defendants shall provide Plaintiffs and the Court Expert a written explanation for the delay
17 and meet and confer with Plaintiffs and the Court Expert to resolve the issue if necessary.

18 (13) If a class member is placed in a quarantine or isolation space before all
19 necessary non-architectural accommodations are available to render that space accessible
20 to the class member, Defendants must provide all necessary non-architectural
21 accommodations to render that space accessible to that class member within 48 hours, and
22 produce an inventory of such accommodations to Plaintiffs and the Court Expert.

23 (14) The parties must meet and confer on any deficiencies identified by Plaintiffs
24 and raise with the Court Expert any issues the parties believe may need to be brought to
25 the Court’s attention.

26 (15) This section is not intended to prevent an institution from utilizing isolation
27 or quarantine space that is specifically designated for housing non-class members,
28 provided the institution also provides adequate space for class members consistent with the

1 methodologies in the Court Expert’s Report.

2 Displacement of Class Members

3 (16) Any class members who are displaced by the designation of quarantine and
4 isolation space must be appropriately rehoused.

5 Further Review by the Court Expert

6 (17) The Court Expert shall review Defendants’ compliance with the above orders
7 and the sufficiency of the designated quarantine and isolation space and present his
8 findings and recommendations to the Court within 30 days of the date of this Order. The
9 Court Expert shall coordinate with the Receiver in *Plata v. Newsom* and the Special Master
10 in *Coleman v. Newsom* as necessary.

11 (18) The Court Expert also shall review the housing of *Armstrong* class members
12 not on isolation or quarantine status, including those displaced from quarantine and
13 isolation areas, and present his findings and recommendations in the same report.

14
15 IT IS SO STIPULATED

16 Respectfully submitted,
17 DATED: September 9, 2020 PRISON LAW OFFICE

18 By: /s/ Rita Lomio
19 Rita Lomio

20 Attorneys for Plaintiffs

21
22 DATED: September 9, 2020 XAVIER BECERRA
23 Attorney General of the State of California

24 By: /s/ Trace O. Maiorino
25 Trace O. Maiorino
26 Deputy Attorney General

27 Attorneys for Defendants
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FILER'S ATTESTATION


As required by Local Rule 5-1, I, Trace O. Maiorino, 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: September 9, 2020

/s/ Trace O. Maiorino
Trace O. Maiorino

IT IS SO ORDERED.

DATED: September 9, 2020


Honorable Claudia Wilken
United States District Judge

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