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**LOGGED**  
DEC 1993  
JUDY L. WAGNER, CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY DEPUTY CLERK

4 VALENTINA REINER, #99537  
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Attorneys for Defendants  
COUNTY OF EL DORADO and  
RICHARD PACILEO

DEC 15 1993  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LINDA YORK, et al.,  
Plaintiffs,

NO. CIVS-90-0833 WBS-JFM

STIPULATION TO ORDER OF  
SETTLEMENT AND TO ENTRY OF  
JUDGMENT OF DISMISSAL

15  
16 v.

17 COUNTY OF EL DORADO, et al.,  
18 Defendants.  
19

20 It is hereby stipulated between the parties, Plaintiffs  
21 LINDA YORK, all named representatives, named and unnamed members of  
22 the Plaintiff-class, Defendants COUNTY OF EL DORADO and RICHARD  
23 PACILEO, by and through their respective counsel, RICHARD P.  
24 HERMAN, PAUL COMISKEY, DANIEL STORMER, PAUL PERSONS, DEBORAH  
25 FABRICANT and RICHARD DEREVAN for Plaintiffs, and VALENTINA REINER  
26 of BARKETT, GUMPERT AND REINER for Defendants, that:  
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1 Defendants will make reasonable efforts to have the  
2 intake medical screening performed by an individual with the  
3 highest level of nursing care available at the time of intake,  
4 subject to nursing staff's responsibility to perform and complete  
5 other assigned duties, and in no event by less than an LVN.

6 A medical doctor will be available in the Placerville  
7 Jail to review charts and see patients for a minimum of eight hours  
8 per week. A medical doctor will be available in the South Lake  
9 Tahoe Jail to review charts and see patients for a minimum of eight  
10 hours per week.

11  
12 Mental Health Services -- Placerville and South Lake  
13 Tahoe Jails: A clinical psychologist will be available in the  
14 Placerville Jail for a minimum of four hours per week. A clinical  
15 psychologist will be available in the South Lake Tahoe Jail for a  
16 minimum of four hours per week. The availability of a psychologist  
17 may vary the need for the current level of presence of the  
18 psychiatrist, which is one hour per week in the Placerville Jail.  
19 However, a psychiatrist will be reasonably available on an as  
20 needed basis.

21  
22 Dental Care -- Placerville and South Lake Tahoe Jails:  
23 Defendants will provide necessary dental care in a timely fashion  
24 in accordance with and over the duration of the contract for dental  
25 services now in effect and the scope of services set forth therein.

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1                    Restraint Chair -- Placerville and South Lake Tahoe  
2 Jails: Defendants may utilize the restraint chair in the manner and  
3 according to the terms of their policies and procedures applicable  
4 to use of the restraint chair, except that a medical opinion on  
5 placement and retention in the chair shall be obtained in any  
6 instance in which the chair is used for more than fifteen minutes,  
7 and as soon as reasonably possible, but not later than three hours  
8 of the placement if the person is not released from the chair at  
9 that time, and in no event shall a prisoner be in the restraint  
10 chair for more than eight hours in a single day.

11  
12                    Law Library -- Placerville Jail Only: The library in the  
13 Placerville Jail only, shall consist of the items enumerated in  
14 Exhibit A hereto, which is incorporated herein by this reference,  
15 and said library will be supplemented to include the following  
16 items, to the extent that they or their substantial equivalent are  
17 not already available within the Placerville Jail's law library:  
18 Witkin on Criminal Law, Witkin on Criminal Procedure, Witkin on  
19 Evidence, California Reporters from the year 1969, forward; Federal  
20 Reporters, 2d, from volume 500, forward; Supreme Court Reports from  
21 the latest volume already available in the Jail through the  
22 present; United States Codes from the latest volume already  
23 available in the Jail through the present, on subjects of criminal  
24 law, constitutional law, civil rights (Title 42), and evidence;  
25 California Codes in the subjects already contained in the  
26 Placerville Library, save and except the following codes, which

1 need not be maintained: Corporations, Education, Elections, Fish  
2 and Game, Food and Agricultural, Harbors and Navigation, Insurance,  
3 Labor, Military and Veterans, Probate, Public Resources, Public  
4 Utilities, Revenue and Taxation, Streets and Highways, Uniform  
5 Commercial Code, Unemployment Insurance and Water Codes.

6 The costs associated with supplementing and maintaining  
7 the law library materials and availability of legal services shall  
8 be paid for out of Inmate Welfare Funds.

9  
10 Law Library -- South Lake Tahoe Jail Only: The South Lake  
11 Tahoe Jail only, shall maintain the availability of legal services  
12 to inmates who are not otherwise represented by counsel and who  
13 challenge the legality of their convictions; the conditions of  
14 their incarceration; the legality of their arrests; and in defense  
15 of the criminal charges which resulted in their incarcerations.  
16 Such legal services shall consist of reasonably necessary and  
17 appropriate legal research and advice by an attorney or paralegal.  
18 The COUNTY OF EL DORADO assumes no liability to inmates of the  
19 South Lake Tahoe Jail or to any other persons claiming through or  
20 on behalf of said inmates, for professional errors and/or omissions  
21 as may be committed by said provider(s) of legal services, or as a  
22 result of or in connection with the provision of such legal  
23 services.

24 The availability of such legal services in the South Lake  
25 Tahoe Jail shall be disclosed in the inmate orientation materials  
26 for that facility, in bolded and underlined type, and such  
27





1 final approval of the within stipulated order by the Court and upon  
2 entry of dismissal of this action. No other or further attorneys'  
3 fees, costs or payments of any kind, shall be paid or payable by or  
4 on behalf of the Defendants to the Plaintiffs herein, or to  
5 Plaintiffs' counsel, or to any third party on behalf of Plaintiffs  
6 or their counsel, for or in relation to the litigation concerning  
7 the Placerville and South Lake Tahoe Jails.

8  
9           General Provisions: This Stipulation and Judgment of  
10 Dismissal thereon are entered in accordance with and incorporate  
11 herein by this reference the Stipulated Order issued on November 2,  
12 1993. The within Stipulation and Judgment of Dismissal entered  
13 thereon supersede and vacate the stipulated injunction previously  
14 issued as to the South Lake Tahoe Jail on January 22, 1991. The  
15 within Stipulation and Judgment of Dismissal entered thereon fully  
16 adopt and incorporate herein by reference the Affidavit of Richard  
17 P. Herman, Paul Comiskey, Daniel Stormer, Paul Persons, Deborah  
18 Fabricant and Richard Derevan Re: Payment and Distribution of  
19 Attorneys' Fees and Costs and Re: Execution of Stipulated  
20 Settlement Order and Judgment.

21           The within order does not constitute a waiver of any  
22 party's right to seek enforcement of the provisions hereof if and  
23 as otherwise provided by law.

24           The parties agree that liability for any and all claims  
25 alleged by the Plaintiffs is expressly denied by Defendants. This  
26 stipulated Settlement Order is not and shall never be treated as an

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1 admission of liability or responsibility at any time for any  
2 purpose.

3 In light of the fact that this lawsuit is a class action,  
4 the procedures to be followed in giving the Plaintiff-class notice  
5 of the proposed settlement and the procedures to be followed in  
6 securing Court approval of this settlement, shall be set forth in  
7 a separate Order to be issued by the Court. Following execution of  
8 the foregoing by the parties and final approval thereof by the  
9 Court, the above-entitled action shall be and will be ordered  
10 dismissed, with prejudice.

11 DATED: December 7, 1993

Paul W. Comiskey  
PAUL COMISKEY, #65510  
PRISONERS RIGHTS UNION  
Attorney for Plaintiffs  
LINDA YORK, et al., including  
named and unnamed class  
members and on behalf of  
RICHARD HERMAN, PAUL PERSONS  
RICHARD DEREVAN, DEBORAH  
FABRICANT, DAN STORMER

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16 DATED: December 7, 1993

BARKETT, GUMPERT & REINER  
Attorneys at Law

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18  
19 By: Valentina Reiner  
20 VALENTINA REINER, #99537  
21 Attorneys for Defendants  
COUNTY OF EL DORADO and  
RICHARD PACILEO

22 ORDER

23 Pursuant to the foregoing Stipulation and good cause  
24 appearing therefor,

25 IT IS SO ORDERED.

26  
27 United States Magistrate Judge



3 PROOF OF SERVICE

4 I declare that:

5 I am a citizen of the United States and employed in  
6 Sacramento, California. I am over the age of eighteen (18) years  
7 and not a party to the within action. My business address is  
8 Powell Teichert Center, 3620 American River Drive, Suite 215,  
9 Sacramento, California 95864. On December 15, 1993, I served the  
10 attached **STIPULATION AND ORDER OF SETTLEMENT AND TO ENTRY OF**  
11 **JUDGMENT OF DISMISSAL** on the interested parties by placing a true  
12 copy thereof enclosed in a sealed envelope, with postage thereon  
13 fully prepaid, in the United States Post Office mail box at  
14 Sacramento, California addressed as set forth below:

15 Paul W. Comiskey  
16 2308 J Street, Suite C  
Sacramento, CA 95812-1019

17 Richard P. Herman, Esq.  
18 301 Forest Avenue  
Laguna Beach, CA 92651

19 William C. Neasham, II,  
20 El Dorado County Counsel's Office  
330 Fair Lane  
21 Placerville, CA 95667

22 HADSELL & STORMER  
128 no. Fair Oaks Ave., #204  
23 Pasadena, CA 91103

24 Paul Persons, Esq.  
1834 Arroyo Canyon  
25 Chico, CA 95928

26 SNELL & WILMER  
P. O. Box 19601  
27 Irvine, CA 92714

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 15, 1993, at Sacramento, California.

*Felicia M. Borges*  
**FELICIA M. BORGES**