

FILED

FEB 16 2016

JAMES M. KIM, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: S. Hernandez, Deputy

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California Department of Corrections and
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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF MARIN

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15 **American Civil Liberties Union of Northern**
16 **California,**

17 Petitioner,

18 v.

19 **California Department of Corrections and**
20 **Rehabilitation,**

21 Respondent.

Case No. CV1504195

[PROPOSED] ORDER GRANTING EX
PARTE APPLICATION TO MODIFY
SCHEDULE SET IN COURT'S
FEBRUARY 10, 2016 DECISION AND
ORDER

Date: February 16, 2015

Time: 9:00 a.m.

Dept: E

Judge: The Honorable Paul M.
Haakenson

Trial Date: None set

Action Filed: November 18, 2015

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1 On February 16, 2016, at 9:00 a.m. in Department E of the above-entitled court, the ex
2 parte application of Respondent California Department of Corrections and Rehabilitation for an
3 order modifying the schedule set in the Court's February 10, 2016 Decision and Order came on
4 regularly for hearing, the Hon. Judge Paul M. Haakenson presiding. Respondent California
5 Department of Corrections and Rehabilitation was represented by Deputy Attorney General
6 Lowell S. Finley. Plaintiff American Civil Liberties Union of Northern California was
7 represented by David H. Fry of Munger, Tolles & Olson.

8 The Court, having considered the papers and the arguments of counsel, and being fully
9 advised, hereby modifies the schedule set in the February 10, 2016 Decision and Order, at pages
10 17-18 thereof, as follows:

11 **ORDER**

12 Respondent California Department of Corrections and Rehabilitation has agreed to extend
13 the public comment period relating to the rules at issue and discussed herein to April 6, 2016.
14 Consequently, the court will conduct further *in camera* review of any documents Respondent
15 wishes to re-submit without redaction, under the following deadlines:

- 16 1. On or before February 26, 2016, Respondent is ordered to produce to the court and
17 Petitioner an exemption log containing the 1,652 documents referenced in the court's
18 spreadsheet containing the court's decision as to each of said documents. This exemption
19 log shall list the documents in numerical order and shall not be divided into the 5 categories
20 previously used. It should parallel the court's spreadsheet. This exemption log shall contain
21 a column identifying those documents that are being submitted without redaction for further
22 *in camera* review.
- 23 2. On or before February 26, 2016, Respondent is ordered to produced to the court a separate
24 file containing the documents included in the 1,652 documents referenced above, that are
25 being submitted un-redacted, for further *in camera* review. The above ordered log shall
26 hyperlink to each of the documents re-submitted for further review.
- 27 3. On or before February 26, 2016, Respondent is ordered to produce to the court and
28 Petitioner a separate exemption log containing the 1,131 documents referenced in the

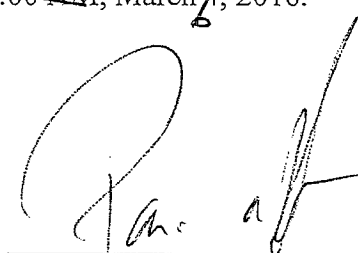
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court's spreadsheet identifying those documents not previously appearing on any log. This log should parallel the court's spreadsheet.

- 4. On or before February 26, 2016, Respondent is ordered to produce to the court a separate file containing the documents included in the 1,131 documents reference above, that are being re-submitted, redacted or un-redacted for *in camera* review. Since the court has not reviewed these documents, they may be redacted if Respondent is claiming the attorney-client or absolute work product privilege. However, the court will not later conduct further review of these documents. The decision will be final after this review. The above ordered log shall hyperlink to each of the documents re-submitted for further review.
- 5. By March 18, 2016 Respondent is to conduct further search using as search terms described on page 16 of this decision. Respondent must report the results of this search, that is, whether any new documents are discovered and whether any exemptions are to be claimed, at the hearing on March 18, 2016.

6. The matter is set for further hearing at ^{pmH} ~~9:00 AM~~ ^{1:30p.m.} ~~March 4~~ ¹⁸ ~~2016~~ ^{pmH}.

DATED: PMH 2-16-16
PMH



PAUL M. HAAKENSON
Judge of the Superior Court

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