

1 KAMALA D. HARRIS
Attorney General of California
2 MARK R. BECKINGTON
Supervising Deputy Attorney General
3 RYAN MARCROFT (State Bar No. 230952)
Deputy Attorneys General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 323-5313
6 Fax: (916) 324-8835
E-mail: Ryan.Marcroft@doj.ca.gov
7 *Attorneys for Respondent California
Department of Corrections and Rehabilitation*

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF MARIN

11
12 **AMERICAN CIVIL LIBERTIES UNION
OF NORTHERN CALIFORNIA,**

13
14 Petitioner,

15 v.

16 **CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
17 REHABILITATION,**

18 Respondent.

Case No. CV1504195

**[PROPOSED] ORDER GRANTING IN
PART AND DENYING IN PART
RESPONDENT'S EX PARTE
APPLICATION**

Date: April 25, 2016
Time: 9:00 a.m.
Dept: E
Judge: The Honorable Paul M.
Haakenson

Action Filed: November 18, 2015

19
20
21
22 The Ex Parte Application of Respondent California Department of Corrections and
23 Rehabilitation for Orders (1) Correcting Mistakes in March 21, 2016 Decision as to 34
24 Documents; (2) Relieving CDCR From March 21, 2016 Decision as to 14 Documents; (3)
25 Shortening Time; and (4) Extending Deadline to Comply With Court's March 21 Decision to
26 April 29, 2016, came on for hearing on April 25, 2016 in Department E of the above-entitled
27 court, the Hon. Judge Paul M. Haakenson presiding. Respondent CDCR was represented by
28

1 Deputy Attorneys General Ryan Marcroft and Lowell Finley. Petitioner American Civil Liberties
2 Union of Northern California was represented by Attorney Achyut J. Phadke of Munger, Tolles &
3 Olson.

4 The Court, having considered the papers in support and in opposition to the Ex Parte
5 Application, and having heard the arguments of counsel, and good cause appearing therefor,
6 HEREBY ORDERS THAT:

7 The Court has not considered any new legal arguments or evidence in making the following
8 rulings. The Court declined to consider documents submitted by CDCR in unredacted form for
9 the first time in support of the ex parte application.

10 The ex parte application is GRANTED with respect to the following eight documents,
11 based on the Court's finding that its March 21, 2016 decision log entries with respect to these
12 documents, which required disclosure, contained clerical mistakes that can and should be
13 corrected pursuant to Code of Civil Procedure section 473(d): PRIV006449, PRIV007458,
14 PRIV007461, PRIV007464, PRIV007467, PRIV007471, PRIV007474, and PRIV007476.

15 Those documents are exempt from disclosure. Respondent's request for exemption of the
16 remaining documents that are the subject of its ex parte application is DENIED.

17 Respondent's ex parte application for an order shortening time is DENIED.

18 Respondent's ex parte application for an order establishing April 29, 2016 as the date by
19 which CDCR must comply with the Court's March 21, 2016 Decision is DENIED.

20 In all other respects, the Court's March 21, 2016 Decision is unchanged, and Respondent's
21 ex parte application is DENIED.

22
23 IT IS SO ORDERED

24
25 Dated: _____

Paul M. Haakenson
Judge of the Superior Court

DECLARATION OF SERVICE BY E-MAIL

Case Name: *ACLU of Northern California v. CDCR*
No.: **CV1504195**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On April 26, 2016, I served the attached

**[PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART
RESPONDENT'S EX PARTE APPLICATION**

by transmitting a true copy via electronic mail.

David H. Fry
Achyut J. Phadke
Bradley S. Phillips
Allyson R. Bennett
Munger, Tolles & Olson LLP
560 Mission Street
Twenty Seventh Floor
San Francisco, CA 94105

E-mail Address: brad.phillips@mto.com

E-mail Address: allyson.bennett@mto.com

E-mail Address: david.fry@mto.com

E-mail Address: achyut.phadke@mto.com

Linda Lye
ACLU of No. California
39 Drumm Street, 2nd Floor
San Francisco, CA 94111
E-mail Address: llye@aclunc.org

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 26, 2016, at San Francisco, California.

M. Mendiola
Declarant

M. Mendiola
Signature