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8 *the Department of State Hospitals; Santi Rogers,*  
*Director of the Department of Developmental*  
9 *Services; and State of California*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF ALAMEDA

12  
13  
14 **STEPHANIE STIAVETTI, KELLIE**  
15 **BOCK, KIMBERLY BOCK, ROSALIND**  
16 **RANDLE, NANCY LEIVA, AMERICAN**  
17 **CIVIL LIBERTIES UNION OF**  
18 **NORTHERN CALIFORNIA, AMERICAN**  
19 **CIVIL LIBERTIES UNION OF**  
20 **SOUTHERN CALIFORNIA,**

21 Plaintiffs,

22 v.

23 **PAMELA AHLIN, AS DIRECTOR OF**  
24 **THE CALIFORNIA DEPARTMENT OF**  
25 **STATE HOSPITALS, SANTI J. ROGERS,**  
26 **AS DIRECTOR OF THE CALIFORNIA**  
27 **DEPARTMENT OF DEVELOPMENTAL**  
28 **SERVICES, STATE OF CALIFORNIA,**

Defendants.

Case No. RG15779731

**ANSWER TO COMPLAINT AND  
PETITION FOR WRIT OF MANDAMUS**

Defendants Pamela Ahlin, as Director of the Department of State Hospitals, and Santi Rogers, as Director of the Department of Developmental Services, submit this answer to the

1 verified complaint and petition for a writ of mandamus, and admit, deny, assert, and allege as  
2 follows:

### 3 INTRODUCTION

4 1. In response to paragraph 1, defendants state the paragraph consists of legal arguments  
5 and requires no response. To the extent a response is required, defendants deny on lack of  
6 information and belief t each and every allegation of this paragraph.

7 2. In response to paragraph 2, defendants state the paragraph consists of legal arguments  
8 and requires no response. To the extent a response is required, defendants deny on lack of  
9 information and belief each and every allegation of this paragraph.

10 3. In response to paragraph 3, defendants state the paragraph consists of legal arguments  
11 and requires no response. To the extent a response is required, defendants deny on lack of  
12 information and belief each and every allegation of this paragraph.

13 4. In response to paragraph 4, defendants state those portions of the paragraph  
14 consisting of legal arguments require no response and, to the extent a response is required,  
15 defendants deny on lack of information and belief the allegations of this paragraph. Defendants  
16 admit those portions of the paragraph indicating the number of incompetent defendants awaiting  
17 admission to DSH as of February 9, 2015.

18 5. In response to paragraph 5, defendants state those portions of the paragraph  
19 consisting of legal arguments require no response and, to the extent a response is required,  
20 defendants deny on lack of information and belief the allegations of this paragraph. Defendants  
21 admit those portions of the paragraph indicating the number of incompetent defendants awaiting  
22 admission to DDS as of February 9, 2015.

23 6. In response to paragraph 6, defendants state the paragraph consists of legal arguments  
24 requiring no response and, to the extent a response is required, defendants deny on lack of  
25 information and belief each and every allegation of this paragraph.

26 7. In response to paragraph 7 defendants state the paragraph consists of legal arguments  
27 requiring no response and, to the extent a response is required, defendants deny on lack of  
28 information and belief each and every allegation of this paragraph.



1 no response. To the extent a response is required, defendants deny on lack of information and  
2 belief each and every allegation stating such arguments.

3 17. In response to paragraph 17, defendants admit Santi Rogers is the Director of DDS,  
4 is named in his official capacity, and that DDS is California agency that provides services for  
5 children and adults with developmental disabilities, including those declared incompetent to stand  
6 trial. Defendants assert the remaining portions of this paragraph constitute legal arguments  
7 requiring no response. To the extent a response is required, defendants deny on lack of  
8 information and belief each and every allegation stating such arguments.

9 18. In response to paragraph 18, defendants state the State of California has been  
10 dismissed from this action; hence, no response is required.

### 11 STATEMENT OF FACTS

#### 12 A. Constitutional and Statutory Framework

13 19. In response to paragraph 19, defendants state the paragraph consists of legal  
14 arguments requiring no response and, to the extent a response is required, defendants state the  
15 constitutional and statutory law described in this paragraph speaks for itself, and deny on lack of  
16 information and belief any remaining allegations.

17 20. In response to paragraph 20, defendants state the paragraph consists of legal  
18 arguments requiring no response and, to the extent a response is required, defendants state the  
19 statutory law described in this paragraph speaks for itself.

20 21. In response to paragraph 21, defendants state the paragraph consists of legal  
21 arguments requiring no response and, to the extent a response is required, defendants state the  
22 statutory law described in this paragraph speaks for itself.

23 22. In response to paragraph 22, defendants state the paragraph consists of legal  
24 arguments requiring no response and, to the extent a response is required, defendants state the  
25 statutory law described in this paragraph speaks for itself.

26 23. In response to paragraph 23, defendants state the paragraph consists of legal  
27 arguments requiring no response and, to the extent a response is required, defendants state the  
28 statutory law described in this paragraph speaks for itself.

1           24. In response to paragraph 24, defendants state the paragraph consists of legal  
2 arguments requiring no response and, to the extent a response is required, defendants state the  
3 statutory law described in this paragraph speaks for itself.

4           25. In response to paragraph 25, defendants state the paragraph consists of legal  
5 arguments requiring no response and, to the extent a response is required, defendants state the  
6 statutory law described in this paragraph speaks for itself.

7           26. In response to paragraph 26, defendants state the paragraph consists of legal  
8 arguments requiring no response and, to the extent a response is required, defendants state the  
9 constitutional and decisional law described in this paragraph speaks for itself.

10          27. In response to paragraph 27, defendants state the paragraph consists of legal  
11 arguments requiring no response and, to the extent a response is required, defendants state the  
12 decisional law described in this paragraph speaks for itself.

13          28. In response to paragraph 19, defendants state the paragraph consists of legal  
14 arguments requiring no response and, to the extent a response is required, defendants state the  
15 constitutional statutory law described in this paragraph speaks for itself.

16           **B. Plaintiffs**

17          29. In response to paragraph 29, defendants state the paragraph consists of illustrative  
18 factual and legal arguments requiring no response and, to the extent a response is required,  
19 defendants deny on lack of information and belief each and every allegation.

20          30. In response to paragraph 30, defendants state the paragraph consists of illustrative  
21 factual and legal arguments requiring no response and, to the extent a response is required,  
22 defendants deny on lack of information and belief each and every allegation.

23          31. In response to paragraph 31, defendants state the paragraph consists of illustrative  
24 factual and legal arguments requiring no response and, to the extent a response is required,  
25 defendants deny on lack of information and belief each and every allegation.

26          32. In response to paragraph 32, defendants state the paragraph consists of illustrative  
27 factual and legal arguments requiring no response and, to the extent a response is required,  
28 defendants deny on lack of information and belief each and every allegation.

1           33. In response to paragraph 33, defendants state the paragraph consists of illustrative  
2 factual and legal arguments requiring no response and, to the extent a response is required,  
3 defendants deny on lack of information and belief each and every allegation.

4           34. In response to paragraph 34, defendants state the paragraph consists of illustrative  
5 factual and legal arguments requiring no response and, to the extent a response is required,  
6 defendants deny on lack of information and belief each and every allegation.

7           35. In response to paragraph 35, defendants state the paragraph consists of illustrative  
8 factual and legal arguments requiring no response and, to the extent a response is required,  
9 defendants deny on lack of information and belief t each and every allegation.

10          36. In response to paragraph 36, defendants state the paragraph consists of illustrative  
11 factual and legal arguments requiring no response and, to the extent a response is required,  
12 defendants deny on lack of information and belief each and every allegation.

13          37. In response to paragraph 37, defendants state the paragraph consists of illustrative  
14 factual and legal arguments requiring no response and, to the extent a response is required,  
15 defendants deny on lack of information and belief t each and every allegation.

16          38. In response to paragraph 38, defendants state the paragraph consists of illustrative  
17 factual and legal arguments requiring no response and, to the extent a response is required,  
18 defendants deny on lack of information and belief each and every allegation.

19          39. In response to paragraph 39, defendants state the paragraph consists of illustrative  
20 factual and legal arguments requiring no response and, to the extent a response is required,  
21 defendants deny on lack of information and belief each and every allegation.

22          40. In response to paragraph 40, defendants state the paragraph consists of illustrative  
23 factual and legal arguments requiring no response and, to the extent a response is required,  
24 defendants deny on lack of information and belief each and every allegation.

25          41. In response to paragraph 41, defendants state the paragraph consists of illustrative  
26 factual and legal arguments requiring no response and, to the extent a response is required,  
27 defendants deny on lack of information and belief each and every allegation.

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1           42. In response to paragraph 42, defendants admit the February 2015 wait times for  
2 admission to DSH indicated in the documents produced to plaintiffs' Public Records Act request,  
3 deny such wait times apply currently, and deny each and every remaining allegation of this  
4 paragraph.

5           43. In response to paragraph 43, defendants admit the April 2015 wait times for  
6 admission to DDS indicated in the documents produced to plaintiffs' Public Records Act request,  
7 deny such wait times apply currently, and deny each and every remaining allegation of this  
8 paragraph.

9           **C. Detention**

10           44. In response to paragraph 44, defendants state the paragraph consists of legal  
11 arguments requiring no response and, to the extent a response is required, defendants deny on  
12 lack of information and belief each and every allegation.

13           45. In response to paragraph 45, defendants state the paragraph consists of illustrative  
14 factual and legal arguments requiring no response and, to the extent a response is required,  
15 defendants deny on lack of information and belief each and every allegation.

16           46. In response to paragraph 46, defendants state the paragraph consists of illustrative  
17 factual and legal arguments requiring no response and, to the extent a response is required,  
18 defendants deny on lack of information and belief each and every allegation.

19           47. In response to paragraph 47, defendants state the paragraph consists of illustrative  
20 factual and legal arguments requiring no response and, to the extent a response is required,  
21 defendants deny on lack of information and belief each and every allegation.

22           48. In response to paragraph 48, defendants state the paragraph consists of illustrative  
23 factual and legal arguments requiring no response and, to the extent a response is required,  
24 defendants deny on lack of information and belief each and every allegation.

25           49. In response to paragraph 49, defendants state the paragraph consists of illustrative  
26 factual and legal arguments requiring no response and, to the extent a response is required,  
27 defendants deny on lack of information and belief each and every allegation.  
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WHEREFORE, defendants Ahlin and Rogers request that:

1. The complaint and petition be denied, and the action be dismissed with prejudice to plaintiffs in its entirety;
2. Plaintiffs take nothing from this action;
3. Judgment be entered in favor of the defendants.
4. Defendants be awarded costs, attorney's fees and expenses in an amount and manner permitted by applicable law; and,
5. The Court award such other and further relief as is just and proper.

Dated: May 6, 2016

Respectfully Submitted,

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Supervising Deputy Attorney General



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California*

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**DECLARATION OF SERVICE BY E-MAIL and U.S. Mail**

Case Name: **Stephanie Stiavetti, et al. v. Pamela Ahlin, et al.**  
No.: **RG15779731**

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. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On May 6, 2016, I served the attached [**Answer to Complaint and Petition for Writ of Mandamus**] by transmitting a true copy via electronic mail, addressed as follows:

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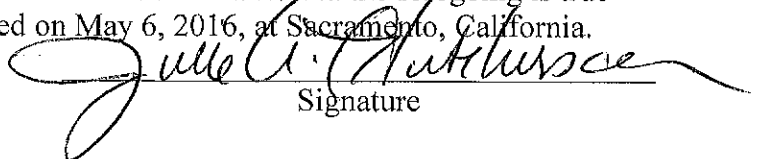
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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 6, 2016, at Sacramento, California.

Julie A. Hutcherson

Declarant

  
Signature