

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCIANO PLATA, et al.,
Plaintiffs,
v.
GAVIN NEWSOM, et al.,
Defendants.

Case No. 01-cv-01351-JST

**ORDER RE: BASELINE STAFF
TESTING FOR COVID-19**

Re: ECF No. 3366

The Court issued an order to show cause regarding baseline staff testing for COVID-19 on June 28, 2020. ECF No. 3366. Defendants filed a timely objection, ECF No. 3368, and California Correctional Peace Officers' Association filed a submission as amicus curiae, ECF No. 3367. CCPOA does not object to entry of an order on staff testing and instead raises issues, such as the timing and degree of consultation with the union, that are more appropriately directed to Defendants.

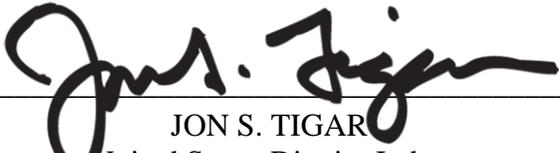
The Court appreciates Defendants' update concerning the number of staff members who have already been tested for COVID-19. ECF No. 3368 at 2. The Court is also pleased that Defendants began retesting of all staff at San Quentin on June 30; that mandatory testing at California Correctional Center is scheduled to begin on July 1; that baseline testing of all staff at all institutions is scheduled to be completed by July 16 at the latest; and that priority will be given to "staff testing at institutions with significant outbreaks, including California Correctional Institution." *Id.* at 2-3. In light of Defendants' representations, the Court agrees that no order on baseline staff testing is necessary at this time.

The Court looks forward to receiving an update at the July 2 case management conference on the status of staff testing, as well as what it hopes will be an update at the following case

1 management conference that baseline testing has been completed for all staff at all institutions.¹ If
2 baseline testing has not been completed by that time, Defendants shall provide an updated date by
3 which such testing will be completed.

4 **IT IS SO ORDERED.**

5 Dated: July 1, 2020

6 
7 JON S. TIGAR
8 United States District Judge

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
United States District Court
Northern District of California

26 _____
27 ¹ For the reasons expressed as to San Quentin and California State Prison, Corcoran in
28 Defendants' portion of the June 18, 2020 case management conference statement, the Court
understands that a 100 percent testing rate is unlikely. *See* ECF No. 3356 at n.2 (noting that
"employees out on sick leave, disability leave, parental leave, vacation, and remote assignment"
prevented some staff at those institutions from being tested).