



Class Action Capital Outlay Annual Legislative Report
Fiscal Year 24/25

California Department of Corrections and Rehabilitation
Office of Legal Affairs

EXECUTIVE SUMMARY

On June 29, 2024, Governor Newsom signed Senate Bill 108: Budget Act of 2024. The Bill included the following reporting mandate for the California Department of Corrections and Rehabilitation (CDCR):

The Department of Corrections and Rehabilitation shall report spending on class action lawsuits against the department to the budget committees of both houses and the Legislative Analyst's Office by January 31 of each year. At a minimum, this report shall include spending for each lawsuit in the most recently completed fiscal year on all litigation activities including, but not limited to, the costs of the department's legal staff time, payments to outside counsel for legal services, and payments to plaintiffs, monitors, and court experts.

One or more plaintiffs may file a class action lawsuit in state or federal court on behalf of themselves and a group of similarly situated individuals (the "class") alleging the class members suffered a similar injury based on questions of law and facts common to the class. At this initial stage, the class action is considered to be "putative" – i.e., supposed or alleged. For the lawsuit to proceed as a class action, the court must certify the lawsuit meets certain class-action legal requirements.

During Fiscal Year (FY) 2024-25, there were a total of seventeen class actions against CDCR at various stages that incurred costs. Ten cases were pending at the initial putative class action stage, while the remaining seven had been certified as class actions. Of the seven certified class actions, five are in a remedial phase, with the remaining two in the litigation phase. As of the date of this report, three of the seventeen reported cases have since resolved.¹

In the five cases in the remedial phase² (all of which are in federal court), the parties have either agreed to a remedial plan that is court-approved and ordered, or the court has found against CDCR and ordered the Department to devise and implement a remedial plan. The remedial phase involves the monitoring of CDCR's compliance with the remedial plans or settlement agreements, the continuing jurisdiction of the federal court, and attempts to resolve legal and operational issues affecting CDCR's compliance. If the parties are unable to resolve issues, renewed litigation can occur. In each of the cases in the remedial phase, monitoring CDCR's compliance with the remedial plans is the responsibility of plaintiffs' counsel and court monitors.

The legal defense of CDCR's class action cases is handled by the Department's teams of class action attorneys; attorneys from the Office of the Attorney General (OAG); and, in some cases, outside counsel contracted to provide additional defense litigation services. Over the course of the past fiscal year (FY 2024-25), CDCR has expended the following on its class action legal services: \$4,653,669 on OAG legal fees, \$2,830,705.33 on contract counsel legal fees, and \$4,997,806 for the salaries, wages and benefits of the CDCR class action attorneys and administrative staff who provide clerical and analytical support to the class action attorneys.

The Prison Litigation Reform Act (PLRA) entitles the plaintiffs' counsel to attorneys' fees in any action brought by an incarcerated individual regarding prison conditions, in which they are

¹ *Carreon, Fitzgerald, and Thomas.*

² *Armstrong, Clark, Coleman, Plata, and the Three-Judge Court Proceedings*

deemed to be the prevailing party. Attorneys' fees are limited to those that are directly and reasonably incurred in proving a violation of the plaintiffs' rights and in enforcing the relief ordered.³ Similarly, the Americans with Disabilities Act states that a court may, in its discretion, allow the prevailing party a reasonable attorney's fee, including litigation expenses. Therefore, CDCR pays plaintiffs' attorneys' fees in the five class action cases that are currently in the remedial phase. This includes attorneys' fees for various activities, such as monitoring tours, client advocacy, negotiations (including those ordered by the court), drafting pleadings, reviewing documents, conferring with clients, as well as the fees of experts retained by plaintiffs' counsel.⁴ In FY 2024-25, CDCR paid \$15,630,941 in attorneys' fees in *Armstrong*, *Clark*, *Coleman*, and *Plata*, collectively.

Coleman, which concerns CDCR's delivery of mental health care, is the only CDCR class action in which a court has appointed a Special Master, which occurred in 1995. During the ensuing 29 years, the Special Master's team has grown to 32 individuals. In FY 2024-25, CDCR deposited \$15,000,000 with the court for payment of the Special Master and his team, from which the court issued \$14,148,202 in payments from FY 2024-25. During FY 2024-25, the court began the search for a Receiver to oversee CDCR's Mental Health Services Delivery System. On April 2, 2025, the court appointed a Receiver-Nominee and deputies for a four-month period to develop a proposed receivership action plan, requiring CDCR to pay their court-ordered salaries.

Plata, which concerns CDCR's delivery of medical care, is overseen by a federal Receiver charged with developing, implementing, and validating a new sustainable medical health care system. Further in-depth discussion regarding CDCR's costs for the provision of medical care follows below. However, it is difficult to parse out the costs spent on the receivership due to the class action from the overall operating budget for the provision of medical care.

And finally, the courts in some of the class action cases have also appointed their own experts, whose fees are borne by CDCR via court order. In FY 2024-25, CDCR deposited \$1,000,000 with the *Armstrong* court for payments for the services of its court-appointed experts from which the court issued \$1,273,340 in payments, which included amounts deposited in the prior fiscal year.

Activity, and therefore the costs incurred, in some class action cases decreased while it increased in other cases. A more detailed discussion of expenditures in these class action categories within each case is provided in the sections that follow.

CLASS ACTION SPENDING SUMMARY

CDCR Staffing Expenditures

During FY 2024-25, CDCR's Complex Litigation Unit comprised 27 attorney positions and 10 administrative staff positions. At the time of this report, there are 6 attorney vacancies and 3 administrative staff vacancies, because of staff departures and the difficulties in attracting high-quality candidates to a complex area of law. Complex Litigation Unit attorneys provide legal support for putative and certified class action cases and other complex litigation. Daily attorney tasks include providing legal advice, defending the department against active litigation,

³ See 42 U.S.C. § 1997e(d).

⁴ The PLRA limits the recoverable attorney fees by establishing a cap on the hourly rate that can be charged. It should be noted that the hourly attorney rate for purposes of fees and costs reimbursement in the *Armstrong* and *Clark* cases are not capped by the PLRA because those cases were brought under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

coordinating with CDCR's program areas to achieve compliance with hundreds of court-ordered mandates, negotiating with plaintiffs' counsel on the proper scope and adherence to court-ordered remedial plans, providing legal representation during auditing and monitoring tours by plaintiffs' counsel, reviewing hundreds of documents monthly before production to plaintiffs' counsel, and responding to numerous advocacy letters submitted from plaintiffs' counsel each week. Administrative staff provide a full range of legal support functions, including gathering, processing, and conducting trend analysis of document productions; scheduling meetings; and tracking audit reports and advocacy responses.

CDCR paid \$4,997,806 in FY 2024-25 for salaries and benefits of CDCR attorney and administrative staff assigned to class action activities. This amount is presented in the aggregate and is not reflected in individual case cost analysis because attorneys and administrative staff are assigned to more than one case preventing accurate case apportionment.

CDCR Class Action Case Expenditures

Cases in the Remedial Phase							
	OAG Fees	Contract Counsel Fees	Special Master Fees	Court Expert Fees	Defense Expert Fees	Plaintiffs' Counsel Fees	Total
Armstrong	\$1,383,129.75			\$1,000,000	\$153,463.33	\$13,306,212.94	\$15,842,806.02
Clark	\$241,443					\$693,669.49	\$935,112
Coleman	\$1,209,632.25	\$2,109,998.27	\$15,000,000	\$11,250		\$4,518,636.20	\$22,849,516.72
Plata	\$285,669.75	\$696,237.06				\$1,631,058.68	\$2,612,965.49
3-Judge	\$14,022						\$14,022
Total	\$3,133,896.75	\$2,806,235.33	\$15,000,000	\$1,011,250	\$153,463.33	\$15,630,941.11	
Total							\$42,254,422.23
Cases in the Litigation Phase							
	OAG Fees	Contract Counsel Fees	Total				
Carreon	\$63,548.25		\$63,548.25				
Fitzgerald	\$11,123.25		\$11,123.25				
Adams	\$60,572.25		\$16,572.25				
Brown	\$9,708		\$9,708				
CCWP	\$224,610.75	\$22,470	\$247,080.75				
Chandler	\$51,583.50		\$51,583.50				
Malear	\$205,281.75		\$205,281.75				
Milton 2	\$38,342.25		\$38,342.25				
Scholl	\$139,960.50		\$139,960.50				
Taylor	\$20,482.50		\$20,482.50				
Thomas	\$55,793.25		\$55,793.25				
Williams	\$638,766		\$638,766				
Total	\$1,519,772.25	\$24,470	\$1,544,242.25				

CLASS ACTION CASES DETAIL

Cases in the Remedial Phase

Some CDCR class action lawsuits are in the remedial phase and are more than 25 years old with the *Coleman v. Newsom* case being the longest running at 34 years old yet continue to be actively litigated. These class action cases persist for such lengthy durations due to the complexity of legal, policy, and operational issues raised by the lawsuits, especially in a correctional environment; the addition of new court-ordered requirements that expand the scope of the cases over time; the size and geographic diversity of CDCR; and the relative number of plaintiff class members in each of the cases.

While these cases are in the remedial phase, that does not mean the litigation is over. When the parties are unable to resolve issues that arise from implementation of the remedial plans or disagreements regarding whether CDCR needs to adopt additional corrective measures, further litigation occurs.

In some of the cases in the remedial phase, plaintiffs' counsel monitor CDCR's compliance with class action orders, remedial plans, or negotiated agreements. In those cases where there are court-appointed experts or a Special Master, the court has also granted its experts the authority to monitor defendants' compliance with remedial plans and the court's orders. Additionally, in the *Plata* case, the Office of the Inspector General (OIG) also performs monitoring and produces reports of their audit findings. CDCR does not reimburse the OIG for expenses incurred for monitoring healthcare compliance in *Plata*. Therefore, the cost of OIG monitoring is not separately addressed in this report. The cost of monitoring is included within the payments made to plaintiffs' counsel and the court-appointed experts.

As noted above, CDCR is ordered to pay plaintiffs counsel's attorneys' fees and costs in the following five cases.

Armstrong v. Newsom

United States District Court, Northern District of California
Case No. 4:94-cv-02307-CW

In FY 2024-25 CDCR expended \$15,842,806 in direct costs related to the *Armstrong v. Newsom* class action. This represents \$1,383,129.75 in defense litigation costs, \$13,306,212.94 in fees and costs paid to plaintiffs' counsel, and \$1,000,000 in deposits to the court for payment of the court's appointed expert.

Case Overview:

Filed in 1994, *Armstrong* is a federal class action lawsuit challenging, under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the adequacy of accommodations provided to incarcerated persons and persons on parole who have physical and learning disabilities. The state entered into a settlement agreement in 1996. As of June 2, 2025, the *Armstrong* class consists of approximately 14,821 members. Two remedial plans and multiple enforcement orders impose on CDCR extensive obligations that govern CDCR's reasonable accommodation process.

Two additional remedial plans have been ordered following renewed litigation in 2019 through 2022 on allegations of staff at six prisons committing misconduct against class members or creating an environment in which class members were afraid to ask for disability accommodations. Also, the court directed the court expert to separately monitor Salinas Valley State Prison for additional concerns. Therefore, the scope of the *Armstrong* class action and its associated defense and monitoring costs have increased over time.

In 2024, CDCR hired an expert to provide technical expertise and an expert opinion in its defense of *Armstrong v. Newsom*. The experts' work included conducting individual assessments of class members, developing recommendations aligned with class members' needs, testifying in legal proceedings, and advising on the drafting of policies and procedures to ensure compliance with legal requirements.

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024- 25, CDCR paid \$1,383,129.75 in defense litigation costs.

Plaintiffs' Counsel: The *Armstrong* plaintiff class is represented in this action by the law firms of the Prison Law Office (PLO); Rosen, Bien, Galvan & Grunfeld (RBGG); and Disability Rights Education & Defense Fund, Inc. (DREDF). On March 26, 1997, the court established the process by which CDCR would reimburse the *Armstrong* plaintiffs' counsel on a quarterly basis. As mentioned in the Executive Summary, the hourly attorney rate for purposes of fees and costs reimbursement in *Armstrong* is not capped by the Prison Litigation Reform Act (PLRA) because the case was brought under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, as opposed to the PLRA. Therefore, plaintiffs' counsel charges the prevailing market rate in this case: rates charged are as high as \$1,675/hr for a partner at RBGG; \$1,450/hr at PLO; and \$1,015 at DREDF. In FY 2024-25, CDCR paid \$13,306,212.94 in plaintiffs' counsels' fees and costs.

Monitoring in *Armstrong* is conducted primarily by plaintiffs' counsel, although the court may also ask its court-appointed expert to submit reports on specific issues or specific institutions. The cost of monitoring is not segregable from the other activities performed by plaintiffs' counsel or the court-appointed experts and is therefore subsumed within the payments in this case section.

Court-Appointed Experts: In 2007, the *Armstrong* court appointed a court expert to "assist the Court and parties in facilitating coordination of enforcement." By court order, CDCR must reimburse the expert and their staff for fees and costs by depositing interim payments with the court from which the court then issues payments based on submitted invoices. In FY 2024-25, CDCR deposited \$1,000,000 to the court, from which the court issued \$153,463.33 in payments for court-appointed expert services.

Clark v. California

United States District Court, Northern District of California
Case No. 3:96-cv-01486

In FY 2024-25, CDCR expended \$935,112 in direct costs related to the *Clark v. California* class action. This consists of \$241,443 in defense litigation costs, and \$693,669.49 in fees and costs paid to plaintiffs' counsel.

Case Overview:

The *Clark* class action is a federal lawsuit that was filed in 1996 on behalf of incarcerated individuals with developmental disabilities. The complaint alleged that CDCR was violating the Americans with Disabilities Act, section 504 of the Rehabilitation Act, and the Eighth and Fourteenth Amendments of the U.S. Constitution by failing to adequately accommodate those individuals. The *Clark* Remedial Plan was negotiated between the parties and approved by the Court in 2001. The Remedial Plan outlines the Department's Developmental Disability Program, which seeks to ensure the nondiscriminatory identification, classification, housing and protection of incarcerated individuals with developmental disabilities and similar conditions that impair cognitive functioning. As of June 2, 2025, there are 1,097 individuals included in the *Clark* class.

Cost Detail:

Defense Counsel: CDCR is represented in *Clark* by attorneys from the OAG. In FY 2024-25, CDCR paid \$241,443 in defense costs.

Plaintiffs' Counsel: The *Clark* plaintiff class is represented by the Prison Law Office (PLO) and the Law Offices of Sara Norman. As mentioned in the Executive Summary, the hourly attorney rate for purposes of fees and costs reimbursement in *Clark* is not capped by the PLRA because the case was brought under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, as opposed to the PLRA. Therefore, plaintiffs' counsel charges the prevailing market rate in this case: rates charged are as high as \$1,050/hr. In FY 2024-25, CDCR paid \$693,669 in plaintiffs' counsels' fees and costs.

Court-Appointed Experts: In 1998 the *Clark* court appointed two court experts to evaluate Defendants' compliance with remedial plans at the court's or either party's request. By court order, CDCR must reimburse these experts for their fees and costs. The court-appointed experts did not provide services in FY 2024-25.

Coleman v. Newsom

United States District Court, Eastern District of California
Case No. 2:90-00520

In FY 2024-25, CDCR expended a total of \$22,849,516 in direct costs related to the *Coleman v. Newsom* class action. This consists of \$3,319,630 in defense litigation costs (fees and costs paid to the OAG and to additionally retained contract counsel), \$4,518,636 in fees and costs paid to plaintiffs' counsel, and \$15,000,000 paid to the court for disbursement to the court-appointed Special Master's team.

Case Overview:

Coleman is a federal class action lawsuit filed in 1990 challenging the constitutional adequacy of mental health care for incarcerated individuals with serious mental illnesses. In 1995, following trial, the court ruled against the defendants and appointed a special master to, among other things, "work with defendants and experts to be selected by the special master... to develop a remedial plan that effectively addresses the constitutional violations set forth in [the court's order]." In 1997, the court approved a remedial plan, which is set forth in the "Mental Health Services Delivery System Program Guide." As of July 1, 2025, there are 36,087 individuals included in the *Coleman* class.

Cost Detail:

Defense Counsel: CDCR is represented in *Coleman* by attorneys from the OAG and by the retained private law firm of Hanson Bridgett. In FY 2024-25, CDCR paid \$3,319,630 in defense litigation costs. This includes payments of \$1,209,632 to the OAG and \$2,109,998 to Hanson Bridgett for attorneys' fees and costs

Plaintiffs' Counsel: The *Coleman* plaintiff class is represented by the Prison Law Office and the law firm of Rosen, Bien, Galvan, and Grunfeld. In 1996, the court ordered that CDCR reimburse the *Coleman* plaintiffs' counsel for "fees and costs incurred in obtaining and monitoring compliance with the Court's decision," and established the process by which they would continue to be reimbursed on a quarterly basis with interest to run "from the thirty-first (31) day following [defendants'] receipt of the billing in which the items in question appear." In FY 2024-25, CDCR paid \$4,518,636 in plaintiffs' counsels' fees and costs.

Court-Appointed Experts: Over 30 years ago, in 1995, the *Coleman* court appointed a Special Master. In addition to assisting in the development of the remedial plan mentioned above, the court appointed the Special Master "to provide expert advice to defendants to ensure that their decisions regarding the provision of mental health care to class members conforms to the requirements of the U.S. Constitution and to advise the court regarding assessment of defendants' compliance." To fulfill these duties, the court empowered the Special Master "to retain or employ independent experts, specialists, assistants, administrative support staff or any other such person whose advice or assistance the special master deems necessary." As of July 1, 2025, the Special Master's team is comprised of 32 individuals, including the Special Master.

The court also ordered that "the special master's fees and expenses shall be borne by the defendants as part of the costs of this action," and established the procedure by which payments would be disbursed. CDCR deposits funds with the court in an interest-bearing account from which the court issues payments on invoices the Special Master submits. In FY 2024-25, CDCR made \$15,000,000 in deposits to the court, from which the court paid the Special Master's team \$16,075,958, which included deposits made in the prior fiscal year.

Receiver Nominee and Court Advisors: During FY 2024-25, the court began the search for a Receiver to oversee CDCR's Mental Health Services Delivery System. As part of that search, the court appointed a technical advisor on August 26, 2024, to assist the court. The Department is required to reimburse the technical advisor's \$375.00 per hour rate. During FY 2024-25, CDCR reimbursed the technical advisor \$9,750.

On April 2, 2025, the court appointed a Receiver-Nominee⁵ and deputies for a four-month period to develop a proposed receivership action plan, requiring CDCR to pay their court-ordered salaries. For April and May 2025, CDCR paid the Receiver-Nominee \$66,666.67 and one of her deputies \$56,666.67. A second deputy was paid \$28,333 for May 2025. The court also appointed a special advisor to assist the court and ordered CDCR to pay their \$190.00 hourly rate, which amounted to \$6,365 for his services.

In June 2025, the court abandoned its plan to make the Receiver-Nominee and her deputies state employees and instead ordered they be paid from the court's registry and reimbursed by CDCR.

⁵ The Court has since confirmed the Receiver's appointment by order on August 27, 2025, and in doing so terminated the order appointing the Special Master and his team.

On June 12, 2025, the court directed CDCR to deposit \$370,000 with the clerk of the court by July 5, 2025, to cover the salaries and benefits of the Receiver Nominee and her two deputies.

In addition to salaries paid to the Receiver-Nominee and her deputies, CDCR has paid their expenses. On April 16, 2025, the court ordered Plaintiffs and Defendants to each pay the Receiver-Nominee \$15,519.55 for services rendered by the Receiver-Nominee prior to her appointment to that position. In addition, CDCR paid \$4,899.83 in expenses to the Receiver-Nominee and \$5,723.43 in expenses to one of her deputies between April 1 and June 30, 2025.

Monitoring: During FY 2024-2025, monitoring in *Coleman* was conducted by plaintiffs' counsel and by the court-appointed Special Master. When appointing the Special Master, the court ordered that he shall "monitor defendants' implementation of and compliance with any remedial plan that [the] court may order," "prepare and file with the court periodic reports assessing defendants' compliance" and "advise the court concerning any modification to the remedial plan that is requested by a party or that appears necessary to effectuate the purposes of the remedial plan." Monitoring costs are not segregable from other activities performed by plaintiffs' counsel and the Special Master and is therefore subsumed within the payments discussed above.

Plata v. Newsom

United States District Court, Northern District of California
Case No. 4:01-cv-01351

In FY 2024-25, CDCR expended \$2,612,966 in direct costs related to the *Plata v. Newsom* class action. This consists of \$981,907 in defense litigation costs and \$1,631,059 in fees and costs paid to plaintiffs' counsel.

Case Overview:

Plata is a federal class action lawsuit filed in 2001 challenging the constitutional adequacy of medical care for "all prisoners in the custody of the CDCR with serious medical needs." As of July 2, 2025, there were 89,352 incarcerated individuals included within the Plata class whose medical care is governed by this class action. The state stipulated to a remedial injunction in 2002. In 2006, the Court determined that ongoing deficiencies warranted the appointment of a Receiver. In 2015, the Court issued an order that outlined the process for the transfer of medical care back to the State via the granting of a "revocable delegation of authority" to the Secretary of CDCR to assume management of an institution's medical care. If the Receiver determines that an institution has achieved an acceptable level of health care delivery, he will execute a "revocable delegation of authority" to the Secretary of CDCR to take over management of that institution's medical care. The Receiver's delegation creates a rebuttable presumption that medical care provided in the prison is constitutionally adequate. As of June 30, 2025, five institutions remained under the Receivership.

Cost Detail:

Defense Counsel: CDCR is represented in *Plata* by attorneys from the OAG and by private law firm of Hanson Bridgett. In FY 2024-25, CDCR paid \$981,907 in defense litigation costs. This represents payments of \$285,670 to the OAG and \$696,237 to Hanson Bridgett.

Plaintiffs' Counsel: The *Plata* plaintiff class is represented by the Prison Law Office and the Law Office of Sara Norman. In December 2002, the parties stipulated to, and the court ordered the

process by which plaintiffs' attorneys' fees would be reimbursed on a quarterly basis, with interest to accrue from the thirty-first day following the entry of the order to pay the undisputed fees. In FY 2024-25, CDCR paid \$1,631,059 in plaintiffs' counsels' fees and costs.

Court-Appointed Experts: The *Plata* court has appointed various experts to assist the court. By court order, CDCR is obligated to pay the experts' fees and costs. In FY 2024-25, no expert provided services to the court.

In 2006, the court appointed a Receiver to manage the medical health care delivery system. The Plata court ordered CDCR to pay all costs associated with the Receiver's policies, plans, and decisions. The Receiver established the California Correctional Health Care Services Division (CCHCS), whose annual operating budget is subsumed within the CDCR's budget. CCHCS's operating budget includes all payments and reimbursements to the Receiver, and reimbursements to a court appointed Advisory Board established to provide advice and consultation to the Court. In FY 2024-25, the CCHCS's allotted budget for medical services and support infrastructure was \$2,719,134,000.

Monitoring: Monitoring in Plata is conducted by plaintiffs' counsel, the Receiver's reports to the court, and Office of the Inspector General inspections on the quality of medical care afforded at CDCR institutions. While CDCR incurs no costs for activities by the Office of the Inspector General, CDCR incurs costs associated with plaintiffs' counsel and the Receiver's monitoring efforts. These costs are not segregable from other activities performed by plaintiffs' counsel and the Receiver and are therefore included as part of the overall costs attributable to plaintiffs' counsel and the Receiver.

Three-Judge Court Proceedings

United States District Court, Eastern District of California
Case Nos. 2:90-cv-00520 (*Coleman*)/4:01-cv-01351 (*Plata*)

Case Overview:

In 2007, in response to motions in *Plata* and *Coleman* alleging CDCR's inability to provide constitutionally adequate medical and mental health care because of overcrowded prisons, the federal court created a panel of three judges (the judges from the *Plata* and *Coleman* cases and a Ninth Circuit Court of Appeal judge) to consider ordering the release of incarcerated individuals. In 2010, the three-judge panel ordered the state to reduce the prison population to 137.5% of its prison design capacity (a reduction of approximately 40,000 individuals). CDCR appealed and the U.S. Supreme Court affirmed the panel's order. CDCR met the benchmark in February 2015 and has continued to be in compliance for over ten years.

Cost Detail:

Plaintiffs' Counsel and Court Experts: The Three-Judge Court proceeding is derived from the *Coleman* and *Plata* class actions. As such, it does not have its own case number, but instead utilizes the *Coleman* and *Plata* case numbers. Except for defense counsel fees, costs incurred in this matter are billed to and paid by CDCR through *Plata*. Those fees, including payments to outside counsel and plaintiffs' counsel, are therefore subsumed within the *Plata* fees noted above.

Defense Counsel: CDCR is represented by attorneys from the OAG, whose fees and costs are itemized separately. In FY 2024-25, CDCR paid the OAG \$14,022 in fees and costs.

Cases in the Litigation Phase

The cases discussed in this section remain in the litigation phase. The allegations and claims asserted have not been proven, no court judgment has been entered, nor have the parties reached a settlement. CDCR is therefore not obligated to pay plaintiffs' attorney's fees. Should plaintiffs obtain a judgment or the parties reach a settlement, CDCR may be obligated to pay attorney's fees incurred for bringing the lawsuit. The fees and costs noted below reflect defense counsel fees and costs incurred in defending the lawsuits.

Certified Class Actions

The following cases have been certified to proceed as class actions.

Carreon v. CDCR

Superior Court of California, Los Angeles County
Case No. 19STCV09935

Case Overview:

Carreon v. CDCR was filed in 2019 on behalf of female correctional officers alleging that CDCR's reasonable accommodation and Limited Term Light Duty Assignment policies unlawfully discriminated against pregnant correctional officers in violation of the Fair Employment and Housing Act and Pregnancy Disability Leave Law. While the parties reached a settlement in 2023, the matter remained pending during the reporting period awaiting court approval of the settlement.

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024-25, CDCR paid \$63,548 in defense counsel fees and costs.

Fitzgerald v. Pollard

United States District Court, Southern District of California
Case No. 3:20-cv-00848

Case Overview:

Fitzgerald v. Pollard was filed in 2020 on behalf of visitors to the Richard J. Donovan Correctional Facility, who allege they were subject to an unclothed body search without legal justification in violation of the Fourth Amendment to the United States Constitution. On April 19, 2024, the parties agreed to a \$3,500,000 settlement. On October 28, 2024, the court approved the settlement and entered judgment closing the case.

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024-25, CDCR paid \$11,123 in defense counsel fees and costs.

Putative Class Actions

The following cases have been filed as class actions, but the court in which the matter is pending has not yet ruled on whether the action will proceed as a class action.

Adams v. State of CA (formerly *Milton v. State of CA (Milton 1)*)

United States District Court, Northern District of California

Case No. 4:21-cv-8545

Case Overview:

This case was originally filed as *Milton v. State of CA* in 2021 on behalf of all incarcerated individuals housed at the Correctional Training Facility between July 20, 2020 and March 15, 2021, who contracted COVID-19. The complaint alleges CDCR performed a racially motivated coordinated search of black incarcerated individuals under the pretext of a prison gang investigation during which officers did not adhere to COVID-19 safety protocols, causing a COVID-19 outbreak at the prison. See also the *Brown*, *Milton 2* and *Williams* cases, below.

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024-25, CDCR paid \$60,572 in defense counsel fees and costs.

Brown v. CDCR

United States District Court, Northern District of California

Case No. 25-cv-04741

Case Overview:

This case was originally filed as *Milton v. State of CA* in 2021 on behalf of all incarcerated individuals housed at the Correctional Training Facility who contracted COVID-19 from July 20, 2020 to March 15, 2021. The complaint alleges that CDCR performed a racially motivated coordinated search of black incarcerated individuals under the pretext of a prison gang investigation during which officers did not adhere to COVID-19 safety protocols, which resulted in a COVID-19 outbreak at the prison. On February 3, 2025, the Court granted in part the Motion to Sever directing Plaintiff Brown to file a separate complaint, which he complied with, and amended on June 5, 2025. See also the *Adams*, *Milton 2* and *Williams* cases.

Cost Detail:

Defense Counsel: CDCR is represented in *Brown* by attorneys from the OAG. In FY 2024-25, CDCR has paid \$9,708 in defense counsel fees and costs.

California Coalition for Women Prisoners v. Lee

United States District Court, Central District of California

Case No. 5:25-cv-000283

Case Overview:

California Coalition for Women Prisoners v. Lee was filed in February 2025 on behalf of female incarcerated persons at California Institution for Women. The complaint alleges that CDCR deliberately ignored the basic needs of the female population, subjecting them to abuse by physicians providing gynecological care.

Cost Detail:

Defense Counsel: Defendants are represented by attorneys from the OAG and private counsel. In FY 2024-2025, CDCR paid OAG \$247,087 and private counsel \$22,470 in defense counsel fees and costs.

Chandler v. CDCR

United States District Court, Eastern District of California
Case No. 1:21-cv-01657

Case Overview:

Chandler v. CDCR was filed in 2021 on behalf of cisgender women housed at the Central California Women's Facility. The complaint challenges California Penal Code sections 2605 and 2606, which were added to the Penal Code by Senate Bill (SB) 132, "The Transgender Respect, Agency, and Dignity Act." The complaint alleges SB 132 violates the plaintiffs' constitutional rights. The case remains in the early stages of litigation

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024-25, CDCR paid \$51,584 in defense counsel fees and costs.

Malear v. State of CA

Superior Court of California, Marin County
Case No. CIV 2002017

Case Overview:

Malear v. State of CA was filed in 2020 on behalf of all current and former incarcerated individuals at San Quentin State Prison who have been diagnosed with COVID-19 at any time from May 28, 2020, because of a transfer of COVID-positive incarcerated individuals from the California Institution for Men.

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024-25, CDCR paid \$205,282 in defense counsel fees and costs.

Milton v. CDCR (Milton 2)

United States District Court, Northern District of California
Case No. 4:23-cv-00582-JST

Case Overview:

Milton v. State of CA was filed on February 9, 2023, on behalf of all incarcerated persons housed at the Correctional Training Facility from July 20, 2020, through March 15, 2021, who contracted COVID-19. The complaint alleges that CDCR failed to adhere to COVID-19 safety protocols while conducting a security search thereby “deliberately weaponize[ing] an agent of biological warfare” in the form of COVID-19. See also the *Adams*, *Brown*, and *Williams* cases.

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024-25, CDCR paid \$38,342 in defense counsel fees and costs.

Scholl v. CDCR

Superior Court of California, Alameda County
Case No. 24cv091030

Case Overview:

Scholl v. CDCR was filed on September 11, 2024, on behalf of a class of parolees and discharged persons alleging CDCR unlawfully deducted costs for clothing and transportation costs from funds required to be provided to incarcerated persons upon their release from prison, also known as “gate money.” The complaint seeks relief for people who were released from CDCR custody on or after July 27, 1994, and provided less than the statutory amount (\$200) upon release.

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024-25, CDCR paid \$139,961 in defense counsel fees and costs.

Taylor v. Borders

United States District Court, Central District of California
Case No. 5:18-cv-02488

Case Overview:

In 2021, a third-amended complaint was filed in *Taylor v. Borders* on behalf of incarcerated individuals housed at the California Institution for Men who have high-risk medical conditions. The complaint alleges that men at CIM received unsafe drinking water that, along with the high ambient temperatures in the institution, exacerbated pre-existing medical conditions in violation of the Eighth and Fourteenth Amendments to the United States Constitution. This case was dismissed, and one plaintiff appealed. The Court of Appeal upheld the dismissal, and the matter is now closed.

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024-25, CDCR paid \$20,483 in defense counsel fees and costs.

Thomas v. CDCR

Superior Court of California, Sacramento County
Case No. 34-2022-00328693

Case Overview:

Thomas v. CDCR was filed on October 20, 2022, on behalf of “all individuals within the State of California whose Protected Health Information (PHI) and/or Personally Identifiable Information (PII) was stored by Defendant and/or was exposed to unauthorized third parties as a result of the data breach discovered in or around January 2022.”

The class consists of individuals who allege that their sensitive PHI and/or PII was improperly maintained in violation of HIPAA and that CDCR’s system failures allowed for the data breach that occurred.

The parties reached a settlement agreement the court approved in June 2025. CDCR agreed to pay \$1,800,000 (the “Settlement Fund”) to settle the litigation, which the court approved in June 2025. The Settlement Fund was used to pay benefits to participating class members, as well as administration fees, monetary awards to the plaintiff class representatives, and plaintiffs’ attorney’s fees.

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024-25, CDCR has paid \$55,793 in defense counsel fees and costs.

Williams v. CDCR

United States District Court, Northern District of California
Case No. 4:21-cv-09586

Case Overview:

Williams v. CDCR was filed in 2021 on behalf of black incarcerated individuals who were subjected to a coordinated search on July 20, 2020; and a subclass of those individuals who were validated as a gang member or affiliate because of the coordinated search. See also *Adams*, *Brown* (formerly *Milton 1*), and *Milton 2* above.

Cost Detail:

Defense Counsel: CDCR is represented by attorneys from the OAG. In FY 2024-25, CDCR has paid \$638,766 in defense counsel fees and costs.