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CALIFORNIA CORRECTIONAL
6 SUPERVISORS ASSOCIATION,
and DR. JOHN ADAMO
7

8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 CALIFORNIA CORRECTIONAL)	Case No.
11 SUPERVISORS ORGANIZATION, and)	
12 DR. JOHN ADAMO, an individual,)	ADMINISTRATIVE MOTION
)	TO CONSIDER WHETHER
13 Plaintiffs,)	CASES SHOULD BE RELATED
)	
14 v.)	
)	
15 MATTHEW CATE, Director, California)	
Department of Corrections and Rehabilitation;)	
16 DEBRA ENDSLEY, Director, California)	
Department of Personnel Administration,)	
)	
17 Defendants.)	

18 Plaintiffs believe the action filed herewith in this Court (*CCSO v. Cate*, Case number
19) is related to an action which is pending in this District (*Perez v. Cate*,
20 Case number 3:05-cv-05241-JSW). Plaintiffs submit both actions concern substantially the same
21 transaction, specifically, the elimination of the Chief Dentist position at all CDCR institutions.
22

23 The *Perez* case concerns the minimum level of dental care necessary for Defendant
24 CATE and the California Department of Corrections and Rehabilitation to fulfill their
25 obligations under the Eighth Amendment of the U.S. Constitution. As part of an Amended
26 Stipulation Agreement in the *Perez* case, a staffing needs study was conducted which concluded

1 CDCR needed to hire additional licensed dentists in order to provide the minimum level of
2 dental care necessary for Defendant CATE and the California Department of Corrections and
3 Rehabilitation to fulfill their obligations under the Eighth Amendment of the U.S. Constitution.
4 As a result, CDCR began hiring additional licensed dentists. However, in September, 2009, the
5 Department of Personnel Administration announced its intent to eliminate the Chief Dentist
6 position from all 33 CDCR institutions by January 31, 2010. Notably, all parties in the *Perez*
7 case contend the elimination of the Chief Dentist position will not impact the minimum level of
8 dental care necessary to fulfill its obligation under the Eighth Amendment of the U.S.
9 Constitution.

10 Plaintiffs in the *CCSO v. Cate* contend otherwise. The Plaintiffs include CCSO, a non-
11 profit corporation under the laws of the State of California and duly recognized representative
12 for excluded employees (supervisors and managers) employed by the California Department of
13 Corrections and Rehabilitation regarding the terms and conditions of their employment.
14 Included among its members are approximately 20 chief dentists who are affected by the actions
15 of Defendant CDCR. Plaintiffs in the *CCSO v. Cate* action also include DR. JOHN ADAMO an
16 individual Chief Dentist currently working for the Salinas Valley State Prison.

17 The Plaintiffs in the *CCSO v. Cate* action contend the elimination of the Chief Dentist
18 position at CDCR institutions will create an unreasonable risk of harm to both Dentists and
19 patients and will prevent CDCR from providing the minimum level of dental care necessary to
20 fulfill its obligation under the Eighth Amendment of the U.S. Constitution. Accordingly, the
21 Plaintiffs in the *CCSO v. Cate* action seek to enjoin CDCR from eliminating the position of
22 Chief Dentist.

23 As the *Perez v. Cate* and *CCSO v. Cate* cases involve substantially the same parties and
24 transaction, it appears likely that there will be an unduly burdensome duplication of labor and
25 expense or conflicting results if the cases are conducted before different Judges.

1 For all the foregoing reasons, Plaintiffs CCSO and DR. JOHN ADAMO respectfully
2 submit the two actions are related.

3 Dated: November 30, 2009

MARTINEZ LAW FIRM

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5 By: _____
6 KELLEY STIMPEL MARTINEZ
7 Attorney for Plaintiffs
8 CALIFORNIA CORRECTIONAL SUPERVISORS
9 ORGANIZATION and DR. JOHN ADAMO
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