

1 KELLEY STIMPEL MARTINEZ (SBN 161409)
MARTINEZ LAW FIRM
2 455 Capitol Mall, Suite 350
Sacramento, CA 95814
3 Tel: (916) 448-2121
Fax: (916) 448-2929
4 kmartinezlaw@yahoo.com

5 Attorney for Plaintiffs
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,)	DECLARATION OF
)	RICHARD TATUM
13 Plaintiffs,)	IN SUPPORT OF EX PARTE
)	MOTION FOR TEMPORARY
14 v.)	RESTRAINING ORDER
)	
15 MATTHEW CATE, Director, California)	
Department of Corrections and Rehabilitation;)	
16 DEBRA ENDSLEY, Director, California)	
Department of Personnel Administration,)	
17 Defendants.)	
18)	

- 19 1. I, RICHARD TATUM, am the State President of the CALIFORNIA CORRECTIONAL
20 SUPERVISORS ORGANIZATION (CCSO). I have held the position of State President
21 since 1992.
- 22 2. Plaintiff CALIFORNIA CORRECTIONAL SUPERVISORS ORGANIZATION (CCSO)
23 is a non-profit corporation organized and existing under the laws of the State of
24 California. It is a duly recognized representative for excluded employees (supervisors
25 and managers) employed by the California Department of Corrections and Rehabilitation
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1 regarding the terms and conditions of their employment. Included among its members
2 are approximately 20 Chief Dentists who are affected by the actions of Defendants
3 described herein.

4 3. My duties as State President of CCSO include, but are not limited to, heading the CCSO
5 State Board of Directors, oversight of daily operations, directing litigation efforts on
6 behalf of CCSO, drafting and introducing legislation to benefit members, and negotiating
7 with the State regarding members' terms and conditions of employment.

8 4. In September, 2009, the Department of Personnel Administration (DPA) informed CCSO
9 that it was planning to eliminate the position of Chief Dentist at each of CDCR's 33
10 institutions. DPA stated it would re-assign the Chief Dentist's administrative functions
11 to a Health Program Manager III, and re-assign all clinical oversight and direction to the
12 Supervising Dentist. DPA stated the elimination of the Chief Dentist position would
13 become effective January 31, 2010.

14 5. I am familiar with the *Perez v. Cate* Amended Stipulated Agreement currently being
15 monitored by this Court (Case No. 3:05-cv-05241-JSW), which requires CDCR to
16 implement dental policies and procedures designed to meet at least the minimum level of
17 dental care necessary to fulfill CDCR's obligations under the Eighth Amendment of the
18 U.S. Constitution. I also understand the *Perez v. Cate* Amended Stipulated Agreement
19 requires CDCR to develop policies and procedures to, among other things, hire and train
20 necessary dental personnel, and audit compliance with the Policies and Procedures
21 according to the *Perez v. Cate* implementation plan.

22 6. To date, no compliance audits have been performed to determine whether CDCR's
23 policies and procedures provide the minimum level of dental care necessary to fulfill its
24 obligations under the Eighth Amendment of the U.S. Constitution.

25 7. To date, no work load studies have been performed to determine whether the current
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1 dental personnel are providing the minimum level of dental care necessary to fulfill its
2 obligations under the Eighth Amendment of the U.S. Constitution.

3 8. The elimination of the Chief Dentist position will reduce the number of licensed dentists
4 qualified to provide direct patient care. The reduction of licensed dentists able to
5 provide direct patient care to inmates will result in a backlog of inmates not receiving the
6 minimum level of dental care necessary to fulfill CDCR's obligations under the Eighth
7 Amendment of the U.S. Constitution.

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9 I declare under the laws of the United States that the foregoing is true and correct, based
10 on my own knowledge, and if called to testify, I will do so truthfully and competently as set forth
11 above.

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13 Dated: November 25, 2009

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16 RICHARD TATUM
17 STATE PRESIDENT
18 CALIFORNIA CORRECTIONAL
19 SUPERVISORS ORGANIZATION
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