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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARCIANO PLATA, et al.,  
*Plaintiffs,*  
v.  
ARNOLD SCHWARZENEGGER, et al.,  
*Defendants.*

Case No. C01-1351 TEH

**[PROPOSED] ORDER GRANTING  
RECEIVER'S SUPPLEMENTAL  
APPLICATION NO. 8 FOR ORDER  
WAIVING STATE CONTRACTING  
STATUTES, REGULATIONS**

Receiver J. Clark Kelso submitted his Supplemental Application No. 8 for an Order Waiving State Contracting Statutes, Regulations and Procedures ("State Contracting Procedures") for consideration by the Court. The parties either stipulated to or did not object to the relief requested in the Application.

Accordingly, good cause appearing, the Court HEREBY GRANTS Receiver's Supplemental Application No. 8.

IT IS HEREBY ORDERED AS FOLLOWS:

1. To the extent necessary to permit the Receiver to extend and modify his existing contract with Health Management Associates for the purpose of designing and implementing the quality improvement projects described in the Supplemental Application No. 8, the following state statutes, regulations and procedures shall be waived.

- Government Code ("Gov't Code") §§ 14825 – 14828 and State Contracting Manual ("SCM") §§ 5.10A, 5.75, 5.80 (governing advertisement of State contracts).
- Public Contracts Code ("PCC") §§ 10290 – 10295, 10297, 10333, 10335, 10351, 10420 – 10425; Gov't Code § 14616; SCM §§ 4.00 – 4.11; (governing approval of contracts by Department of General Services ("DGS") and exemption from and

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consequences for failure to obtain DGS approval).

- PCC §§ 10308, 10309, 10314; SCM vol. 2, State Administrative Manual (“SAM”) §§ 3500 – 3696.3 (governing procurement of goods).
- PCC §§ 6106, 10109 – 10126, 10129, 10140, 10141, 10180 – 10185, 10220, 10301 – 10306, 10340 – 10345, 10351, 10367, 10369; Gov’t Code §§ 4525 – 4529.20, 4530-4535.3, 7070-7086, 7105-7118, 14835-14837; and Mil. & Veterans Code §§ 999-999.13; 2 CCR §§ 1195 – 1195.6; SCM §§ 5.00 – 6.40 and Management Memo (“MM”) 03-10 (governing competitive bidding, required language in bid packages, Non-competitive Bid (“NCB”) procedures, preferential selection criteria, contractor evaluations and notice, contract award and protest procedures for service, consulting service, construction project management and public works contracts).
- PCC §§ 10314, 10346 (progress payment limitations).
- Gov’t Code § 13332.09 and MM 06-03 (governing vehicle purchases).
- PCC §§ 12100 – 12113, 12120 – 12121, 12125 – 12128; SCM vol. 3; SAM §§ 4800 – 4989.3, 5200 – 5291 (governing procurement of IT, telecommunication and data processing goods and services and applicable alternate protest procedures).
- Gov’t Code §§ 13332.10, 14660, 14669, 15853 (governing acquisition and leasing of real property).
- Gov’t Code §§ 13332.19, 15815 (governing plans, specifications and procedures for major capital projects).
- PCC §§ 10365.5, 10371; SCM § 3.02.4 (governing restrictions on and approval for multiple contracts with same contractor).

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
Hon. Thelton E. Henderson  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies as follows:

I am an employee of the law firm of Futterman & Dupree LLP, 160 Sansome Street, 17<sup>th</sup> Floor, San Francisco, CA 94104. I am over the age of 18 and not a party to the within action.

I am readily familiar with the business practice of Futterman & Dupree, LLP for the collection and processing of correspondence.

On January 9, 2009, I served a copy of the following document(s):

**[PROPOSED] ORDER GRANTING RECEIVER'S SUPPLEMENTAL APPLICATION NO. 8 FOR ORDER WAIVING STATE CONTRACTING STATUTES, REGULATIONS**

by placing true copies thereof enclosed in sealed envelopes, for collection and service pursuant to the ordinary business practice of this office in the manner and/or manners described below to each of the parties herein and addressed as follows:

       BY FACSIMILE: I caused said document(s) to be transmitted to the telephone number(s) of the addressee(s) designated.

  X   BY MAIL: I caused such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated below. I am readily familiar with Futterman & Dupree's practice for collection and processing of correspondence and pleadings for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

Andrea Lynn Hoch  
Benjamin T. Rice  
Legal Affairs Secretary  
Office of the Governor  
Capitol Building  
Sacramento, CA 95814

Robin Dezember, Director (A)  
Division of Correctional  
Health Care Services  
CDCR  
P.O. Box 942883  
Sacramento, CA 94283-0001

Molly Arnold  
Chief Counsel, Dept. of Finance  
State Capitol, Room 1145  
Sacramento, CA 95814

Matthew J. Lopes  
Pannone, Lopes & Devereaux, LLC  
317 Iron Horse Way, Suite 301  
Providence, RI 02908

Warren C. (Curt) Stracener  
Paul M. Starkey  
Dana Brown  
Labor Relations Counsel  
Dept. of Personnel Admin. Legal Division  
1515 "S" St., North Building, Ste. 400  
Sacramento, CA 95814-7243

Donald Currier  
Alberto Roldan  
Bruce Slavin  
Legal Counsel  
CDCR, Legal Division  
P.O. Box 942883  
Sacramento, CA 94283-0001

Laurie Giberson  
Staff Counsel  
Department of General Services  
707 Third St., 7<sup>th</sup> Fl., Ste. 7-330  
West Sacramento, CA 95605

David Shaw  
Inspector General  
Office of the Inspector General  
P.O. Box 348780  
Sacramento, CA 95834-8780

1 Donna Neville  
Senior Staff Counsel  
2 Bureau of State Audits  
555 Capitol Mall, Suite 300  
3 Sacramento, CA 95814

Peter Mixon  
Chief Counsel  
California Public Employees Retirement  
System  
400 Q Street, Lincoln Plaza  
Sacramento, CA 95814

4 Al Groh  
Executive Director  
5 UAPD  
180 Grand Ave., Ste. 1380  
6 Oakland, CA 94612

Yvonne Walker  
Vice President for Bargaining  
SEIU Local 1000  
1108 "O" Street  
Sacramento, CA 95814

7 Pam Manwiller  
Director of State Programs  
8 AFSME  
555 Capitol Mall, Suite 1225  
9 Sacramento, CA 95814

Richard Tatum  
CSSO State President  
CSSO  
1461 Ullrey Avenue  
Escalon, CA 95320

10 Tim Behrens  
President  
11 Association of California State Supervisors  
1108 "O" Street  
12 Sacramento, CA 95814

Elise Rose  
Counsel  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814

13 Professor Jay D. Shulman, DMD, MA, MSPH  
9647 Hilldale Drive  
14 Dallas, TX 75231

Joseph D. Scalzo, DDS, CCHP  
3785 N. 156<sup>th</sup> Lane  
Goodyear, AZ 85395

15 Stuart Drown  
Executive Director  
16 Little Hoover Commission  
925 L Street, Suite 805  
17 Sacramento, CA 95814

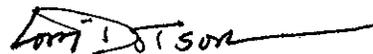
John Chiang  
Richard J. Chivaro  
State Controller  
300 Capitol Mall, Suite 518  
Sacramento, CA 95814

18

19 I declare that I am employed in the offices of a member of the State Bar of this Court at  
20 whose direction the service was made. I declare under penalty of perjury, under the laws of the  
united State of America, that the above is true and correct.

21 Executed on January 9, 2009 at San Francisco, California.

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Lori Dotson

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