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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

18 MARCIANO PLATA, et al.,
 19 Plaintiffs,
 20 v.
 21 ARNOLD SCHWARZENEGGER, et al.,
 22 Defendants.

Case No. C01-1351 TEH

**DECLARATION OF JARED
 GOLDMAN IN SUPPORT OF
 RECEIVER'S OPPOSITION TO
 DEFENDANTS' MOTION TO
 TERMINATE THE
 RECEIVERSHIP AND THE
 RECEIVER'S CONSTRUCTION
 PLANS**

Hon. Thelton E. Henderson

1 I, Jared Goldman, declare:

2 1. I am the Chief Counsel for the Receiver. Unless otherwise stated, I know the
3 following facts to be true of my own knowledge, and if called as a witness I could competently so
4 testify. I make this declaration in support of the Receiver’s Opposition to the Defendants’ Motion
5 to Terminate the Receiver and the Receiver’s Construction Plans.

6 2. In December 2008, Thomas Gilevich from the California Department of
7 Corrections and Rehabilitation Office of Legal Affairs called me and requested that I provide him
8 with the names of the inmates discussed in the Receiver’s Analysis of Year 2007 Death Reviews.
9 It is my understanding that the federal Health Insurance Portability and Accountability Act of
10 1996 (HIPAA) limits the use or disclosure of protected health information to those circumstances
11 where the use or disclosure of the information is specifically permitted by HIPAA. It is also my
12 understanding that where a use or disclosure is permitted, the use or disclosure must be limited to
13 the “minimum necessary” for the purpose of the use or disclosure, even where the use or
14 disclosure is made within an organization. I also understand that, pursuant to HIPAA, the names
15 Mr. Gilevich was requesting are protected health information. I therefore told Mr. Gilevich that I
16 could not provide the information unless he provided me with a justifiable basis and an
17 explanation of the intended purpose for his request. Although I gave him an opportunity to do so,
18 he did not. Instead, he merely stated that he needed the inmates’ names for “risk management”
19 and provided no further explanation.

20 3. I denied Mr. Gilevich’s informal request for inmate names because I was
21 concerned about Mr. Gilevich’s lack of justification for his request and the inmates’ privacy
22 rights under federal law, particularly since the Receiver—not Mr. Gillevich’s office—is now
23 responsible for risk management in the prison medical system.

24 I declare under penalty of perjury under the laws of the United States that the foregoing is
25 true and correct. Executed on February 23, 2009 in San Francisco, California.

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/s/ Jared Goldman
Jared Goldman

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GENERAL ORDER 45 ATTESTATION

I, James J. Brosnahan, am the ECF User whose ID and password are being used to file this Declaration of Jared Goldman in Support of Receiver’s Opposition to Defendants’ Motion to Terminate the Receivership and the Receiver’s Construction Plans. In compliance with General Order 45, X.B., I hereby attest that Jared Goldman has concurred in this filing.

/s/ James J. Brosnahan
James J. Brosnahan
Attorneys for Receiver