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(term Dkt No. 33-moot)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

SIGMA BETA XI, INC.; ANDREW M., by and through his next friend DENISE M.; JACOB T., by and through his next friend HEATHER T., on behalf of himself and all others similarly situated; J.F., by and through her next friend CINDY MCCONNELL, on behalf of herself and all others similarly situated,

Plaintiffs,

v.

COUNTY OF RIVERSIDE; MARK HAKE, Chief of the Riverside County Probation Department, in his official capacity; BRYCE HULSTROM, Chief Deputy of the Riverside County Probation Department, in his official capacity,

Defendants.

Case No. 5:18-cv-01399-JGB-(JEMx)

CLASS ACTION

**STIPULATED ORDER
CERTIFYING CLASS AND
APPOINTING CLASS COUNSEL**

Complaint Filed: July 1, 2018
Trial Date: None Set

ORDER

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Plaintiffs’ unopposed Motion for Class Certification and Appointment of Class Counsel (the “Motion”) was filed on September 13, 2018 in this action, before the Honorable Judge Jesus G. Bernal in Courtroom 1 of the United States District Court for the Central District of California, 3470 Twelfth Street Riverside, California.

Plaintiffs sought certification of, and Defendants agreed to stipulate to certification of, the following class (the “Class”): “All children in Riverside County who have been referred to the Riverside County Youth Accountability Team (“YAT”) program pursuant to Cal. Welf. & Inst. Code § 601, and who have either been placed on a YAT probation contract or have been referred but not yet placed on a YAT probation contract.”

Having reviewed the concurrently filed stipulation by the parties, the papers filed by Plaintiffs, the arguments thereon and GOOD CAUSE APPEARING, THE COURT HEREBY ORDERS THAT:

1. The Plaintiffs’ Motion is GRANTED. Plaintiffs have satisfied the elements of Federal Rule Civil Procedure Rule 23(a) and Rule 23(b)(2), including establishing numerosity, commonality, typicality, adequacy, 23(b)(2) status. To the extent ascertainability is required for Rule 23(b)(2) class actions, the Court also finds the class is ascertainable.

A. Numerosity: The numerosity requirement in Rule 23(a)(1) requires that the class be “so numerous that joinder of all members is impractical.” Fed. R. Civ. P. 23(a)(1). The Class is sufficiently numerous that joinder of all members is impracticable. The Class consists of at least hundreds and probably thousands of children who were referred to YAT and/or placed on YAT contracts.

1 B. Commonality: The commonality requirement in Rule 23(a)(2) is
2 satisfied when the proposed class' claims "depend upon a
3 common contention such that determination of its truth or falsity
4 will resolve an issue that is central to the validity of each claim
5 in one stroke." *Mazza v. Am. Honda Motor Co.*, 666 F.3d 581,
6 588 (9th Cir. 2012) (internal quotations omitted). There are
7 numerous questions of law and fact that are common to the class,
8 including the following questions: (1) Whether California
9 Welfare & Institutions Code § 601 is unconstitutionally vague;
10 (2) Whether Defendants are required to provide adequate notice
11 to children who are referred to YAT of the basis and
12 circumstances of their referral; (3) Whether Defendants are
13 required to provide adequate notice to children who are referred
14 to YAT of any statutes, other laws, or rules they are alleged to
15 have violated in connection with their YAT referral; (4) Whether
16 Defendants are required to provide adequate explanation to
17 children who are referred to YAT of the requirements of the
18 YAT program and any consequences of participating in the YAT
19 program; (5) Whether Defendants are required to provide
20 adequate notice to children who are referred to YAT that
21 participation in YAT will preclude them from participating in
22 other diversionary programs in the future; and (6) Whether
23 Defendants are required to adequately advise children of their
24 right to consult with legal counsel before the child decides
25 whether to agree to a YAT probation contract.

26 C. Typicality: The typicality requirement in Rule 23(a)(3) is
27 satisfied when the class representatives are "part of the class and
28 'possess the same interest and suffer the same injury' as the class

1 members.” *Gen. Tel. Co. of the Sw. v. Falcon*, 457 U.S. 147, 156
2 (1982) (citation omitted). The claims of Plaintiffs Jacob T., J.F.
3 and Andrew M. are typical of the claims of the class because
4 they are all three class members under the class definition, they
5 are all three children who were referred to YAT pursuant to
6 Section 601, and they all three allege that Defendants’ policies
7 and practices in implementing the YAT program violated their
8 rights.

9 2. Adequacy: The adequacy requirement in Rule 23(a)(4) is
10 satisfied if “the representative parties will fairly and adequately
11 protect the interests of the class.” Fed. R. Civ. P. 23(a)(4). The
12 adequacy analysis asks two questions: “(1) do the named
13 plaintiffs and their counsel have any conflicts of interest with
14 other class members and (2) will the named plaintiffs and their
15 counsel prosecute the action vigorously on behalf of the class?”
16 *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1020 (1998) (internal
17 citation omitted). The adequacy requirement “is satisfied as long
18 as one of the class representatives is an adequate class
19 representative.” *Rodriguez v. West Publ’g Corp.*, 563 F3d 948,
20 961 (9th Cir. 2009) (internal quotation marks and citation
21 omitted). The Court finds that Plaintiffs Jacob T., J.F. and
22 Andrew M. will fairly and adequately represent the interests of
23 the Class because they have no conflicts of interests with other
24 class members and they are committed to vigorously prosecuting
25 the action on behalf of the class and they are therefore hereby
26 appointed class representatives. Plaintiffs’ counsel (the above-
27 captioned attorneys from the American Civil Liberties Union
28 Foundation of Southern California, the American Civil Liberties

1 Union Foundation of Northern California, the American Civil
2 Liberties Union Foundation of San Diego and Imperial Counties,
3 the American Civil Liberties Union Foundation, the National
4 Center for Youth Law, and Sheppard Mullin Richter & Hampton
5 LLP) are adequate counsel because they are qualified and they
6 will vigorously represent the interests of the class. Plaintiffs’
7 counsel satisfy the requirements of Federal Rule of Civil
8 Procedure 23(g)(1)(A) for the following reasons and are hereby
9 appointed class counsel:

- 10 a. Plaintiffs’ counsel have done substantial work identifying
11 or investigating potential claims in the action;
- 12 b. Plaintiffs’ counsel have significant experience handling
13 class actions, other complex litigation in federal court, and
14 cases involving the types of Constitutional and civil rights
15 claims asserted in this action;
- 16 c. Plaintiffs’ counsel have knowledge of the law that applies
17 to this case, specifically the law regarding Constitutional
18 claims, other civil rights claims and class actions; and
- 19 d. Plaintiffs’ counsel will devote adequate resources to this
20 case.

21 B. 23(b)(2): Plaintiffs seek to certify this class under Rule 23(b)(2),
22 which applies if the defendant “has acted or refused to act on
23 grounds that apply generally to the class, so that final injunctive
24 relief or corresponding declaratory relief is appropriate
25 respecting the class as a whole.” Fed. R. Civ. Proc. 23(b). Class
26 certification is appropriate under Rule 23(b)(2) because
27 Defendants, in creating and operating the YAT program, have
28 acted and/or refused to act on grounds that apply generally to the

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class, so that the declaratory and injunctive relief requested (if Plaintiffs succeed in this case) will be appropriate regarding the class as a whole.

C. Ascertainability: A class is ascertainable if “it is administratively feasible for the court to determine whether a particular individual is a member’ using objective criteria.” *Hernandez v. Lynch*, 2016 U.S. Dist. LEXIS 191881, at *42-43 (quoting *Keegan v. Am. Honda Motor Co., Inc.*, 284 F.R.D. 504, 521 (C.D. Cal. 2012)). To the extent that ascertainability is required for a Rule 23(b)(2) class, this standard is satisfied because the children who were referred to and/or placed on YAT can be identified through records maintained by Defendants.

3. The following class is certified: “All children in Riverside County who have been referred to the Riverside County Youth Accountability Team (“YAT” program pursuant to Cal. Welf. & Inst. Code § 601, and who have either been placed on a YAT probation contract or have been referred but not yet placed on a YAT probation contract.”

IT IS SO ORDERED.

Dated: September 17, 2018



Honorable Jesus G. Bernal
United States District Judge