

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

ALANA CAIN and ASHTON BROWN,)
)
)
)
Plaintiffs,)

v.)

CITY OF NEW ORLEANS; ORLEANS)
PARISH CRIMINAL DISTRICT COURT;)
MARLIN GUSMAN, ORLEANS PARISH)
SHERIFF; ROBERT KAZIK, JUDICIAL)
ADMINISTRATOR;)
SECTION "A" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT)
COURT, JUDGE LAURIE A. WHITE;)
SECTION "B" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT)
COURT, JUDGE TRACEY)
FLEMINGS- DAVILLIER;)
SECTION "C" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT COURT,)
JUDGE BENEDICT WILLARD;)
SECTION "E" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT COURT,)
JUDGE KEVA LANDRUM-JOHNSON;)
SECTION "F" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT COURT,)
JUDGE ROBIN PITTMAN;)
SECTION "G" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT COURT,)
JUDGE BYRON C. WILLIAMS;)
SECTION "H" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT COURT,)
JUDGE CAMILLE BURAS;)
SECTION "I" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT COURT,)
JUDGE KAREN K. HERMAN;)
SECTION "J" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT)
COURT, JUDGE DARRYL DERBIGNY;)
SECTION "K" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT COURT,)

Case No. 2:15-4479-SSV

(Class Action)

Judge Sarah S. Vance, Sec. R(2)

Mag. Judge Joseph C. Wilkinson, Div. 2

JUDGE ARTHUR HUNTER;)
SECTION "L" OF THE ORLEANS)
PARISH CRIMINAL DISTRICT COURT,)
JUDGE FRANZ ZIBILICH;)
MAGISTRATE OF THE ORLEANS)
PARISH CRIMINAL DISTRICT COURT,)
and JUDGE HARRY CANTRELL)
))
Defendants.)
_____)

Motion to Certify a Class

Plaintiffs, pursuant to Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure, move this Court for an order certifying this lawsuit as a class action for prospective relief. Named Plaintiffs propose to certify the following class, as more fully explained in the accompanying memorandum of law: All persons who currently owe or who will incur court debts arising from cases adjudicated in the Orleans Parish Criminal District Court.

Plaintiffs make this motion out of an abundance of caution. Plaintiffs did not file a class certification motion earlier in this case because of this Court’s instruction not to do so until further notice. However, in light of recent statements by the OPCDC Defendants that Defendants would attempt to “moot” Plaintiffs’ class action claims for prospective relief, Plaintiffs believe that they must file the motion now to ensure that their rights are protected and that Defendants cannot avoid a constitutional ruling on their longstanding violations by strategically terminating individual court debts. These statements are consistent with recent efforts by the OPCDC defendants to “suspend” court debts owed by the original named Plaintiffs in an unsuccessful attempt to render the claims of the named Plaintiffs moot. Plaintiffs file this motion at this juncture solely to ensure that their important goal of permanently ending unconstitutional practices that have devastating systemic consequences cannot be evaded through procedural maneuvering.

Plaintiffs have no objection to staying the consideration of this motion until this Court deems appropriate. Indeed, Defendants still have not produced basic discovery relating to Plaintiffs' class claims. Once Plaintiffs have received the discovery to which they are entitled, they may supplement this motion with additional evidence supporting class certification.

WHEREFORE, Plaintiffs respectfully request that this Court certify this suit as a class action for prospective relief as set forth above and in the accompanying memorandum of law and grant such other relief as the Court may deem appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on the 10th day of February 2017, I have electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to the parties.

/s/ Anna Lellelid