

**FOR THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

A.M., by and through his next friend, Jeanette Murry; on behalf of himself and all other persons similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:11-cv-344 TSL-MTP
)	
JACKSON PUBLIC SCHOOLS BOARD OF TRUSTEES, in its official capacity; DR. LONNIE J. EDWARDS, SR., in his official capacity as Superintendent at Jackson Public Schools; GLENN DAVIS, in his official capacity as Director of Security at Jackson Public Schools; MARIE HARRIS, in her official capacity as Principal at Capital City Alternative School; BOBBY WALDEN, in his official capacity as Vice Principal at Capital City Alternative School; FRANKLIN MCKEE, in his official capacity as school safety officer at Capital City Alternative School; STACEY GREENWOOD, in her official capacity as school safety officer at Capital City Alternative School,)	
)	
Defendants.)	
)	

PLAINTIFF’S MOTION FOR CLASS CERTIFICATION

Pursuant to Rule 23(b) of the Federal Rule of Civil Procedure, the Plaintiff moves this Honorable Court to issue an order certifying named Plaintiff A.M. to represent a class composed of all children who currently or who will in the future attend Capital City Alternative School. This proposed class seeks declaratory and permanent injunctive relief on behalf of the whole class.

Under the Federal Rules of Civil Procedure, one or more named plaintiffs may bring suit as representative parties on behalf of a class

[O]nly if (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class.

Fed. R. Civ. P. 23(a). Each requirement is met here. First, Capital City Alternative School has a student population of approximately 400-500 students at any given time. Because of the nature of the school as a short-term placement, students transfer in and out frequently between Capital City and other schools in the district. Given the large and fluctuating student population, the class is so numerous that joinder of all members would be impracticable. The class also includes future, unknown members who cannot be joined. Second, this action involves questions of law and fact that are common to all class members. Third, because the challenged policies and practices apply with equal force to all class members, the claims of the named Plaintiff are typical of the class. Finally, the named Plaintiff will fairly and adequately represent the interests of the class. The named Plaintiff has a personal interest in the subject matter of the lawsuit, and his counsel is experienced in class action litigation and is prepared to pursue the case vigorously on behalf of the class.

Because the putative class satisfies every element of the Rule 23(a), and because the Defendants have acted and refused to act on grounds generally applicable to the class as a whole, class certification is proper under Rule 23(b)(2).

In support of this motion, Plaintiff relies upon the following documents:

- A. Plaintiff's Memorandum of Law in Support of Motion for Class Certification (Filed Concurrently)

B. Exhibit 1: Declaration of Poonam Juneja

C. Exhibit 2: Declaration of Jeanette Murry

For the reasons stated above and explained in the memorandum of law accompanying this filing, the Plaintiff requests that his motion for class certification be granted.

Dated this the 8th day of June, 2011.

Respectfully submitted,

/s/ Poonam Juneja

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CERTIFICATE OF SERVICE

I, Poonam Juneja, one of the attorneys for the Plaintiff, do hereby certify that I electronically filed the foregoing Motion for Class Certification and accompanying exhibits with the Clerk of the Court using the ECF system, which sent notification to all counsel of record.

SO CERTIFIED, this 8th day of June, 2011.

/s/ Poonam Juneja
Poonam Juneja, Miss. Bar No. 103181