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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

ANNA MARIA WESTON, by her )  
guardian Barbra Weston, et al. )

Plaintiffs, )

v. )

WYOMING STATE TRAINING SCHOOL, )  
et al. )

Defendants. )

CIVIL ACTION NO. C90-0004

PLAINTIFF'S MOTION FOR  
CLASS CERTIFICATION

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PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

Pursuant to Fed. R. Civil. P. 23(a), (b)(1) and (b)(2), Plaintiffs move the Court to certify this action as a class action, and as grounds therefore, state as follows:

1. This is a civil rights action for injunctive and declaratory relief against the Wyoming State Training School and other Wyoming state agencies and officials. The Complaint alleges unconstitutional and discriminatory practices and inhumane

care and treatment of persons committed to the Wyoming State Training School ("WSTS").

2. The proposed class is all current and future residents of the WSTS; retarded persons residing at home who, because effective community services to assist their families are unavailable, are in jeopardy of being sent to WSTS; persons who have been transferred to skilled nursing facilities, intermediate care facilities, home for the aged and similar facilities, yet remain Defendants' responsibility and who because of Defendants' failure to provide alternative services in the community, may be forced to return to WSTS.

3. Eight (8) named Plaintiffs bring this action on behalf of all other similarly situated. Seven (7) of the named Plaintiffs are current residents of WSTS. The other named Plaintiff is an individual who requires care and treatment and he is at risk of being placed at WSTS because community programs are unavailable.

4. The requirement of Fed. R. Civ. P. 23(a)(1) that the class is so numerous that joinder of all members is impracticable is met as WSTS houses a daily average of approximately 399 residents. Further, it is impracticable to join future unknown WSTS residents in this action.

5. Rule 23(a)(2) is met as there are questions of law and fact common to the class, including whether the basic care and lack of appropriate care and treatment at WSTS is inhumane, unconstitutional and violates federal law. The claims as alleged in the complaint are common to the class as all of the plaintiff class has been,

are or will be subjected to the conditions, policies, practices, acts and omissions of the Defendants.

6. Rule 23 (a)(3) is met as the claims of the named representative Plaintiffs are typical of the claims of the class. All of the named resident Plaintiffs have a nexus to the class claims as they each have been subjected to and suffered from the conditions, policies, practices, acts and omissions as alleged in the complaint. All of the named Plaintiffs' claims are based on the same legal theories as the class claims.

7. Rule 23(a)(4) is met as the named representative Plaintiffs and class counsel will fairly and adequately protect the interests of the class. None of the named representative Plaintiff's interests are antagonistic to the interests of any other class member. Further, Plaintiffs' counsel are experienced in civil rights actions and are well qualified to conduct this litigation.

8. This action is brought under Rule (b)(1) and (b)(2) as the Defendants have acted and have refused to act on grounds generally applicable to the class, thereby making final injunctive relief and corresponding declaratory relief appropriate with respect to the class as a whole.

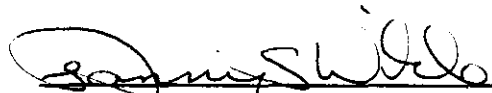
9. Rule 23(c) provides:


"(1) As soon as practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be so maintained. An order

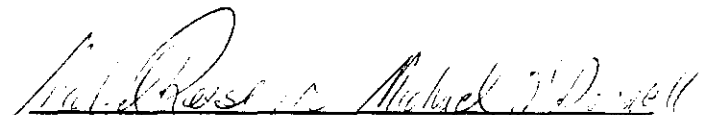
under this subdivision may be conditional, and may be altered or amended before the decision on the merits."

A Memorandum in Support of this Motion is attached hereto.

Respectfully submitted this 16 day of March, 1990.

  
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