

**United States District Court, Northern District of Illinois**

<b>Name of Assigned Judge or Magistrate Judge</b>	John Z. Lee	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	11 C 5452	<b>DATE</b>	2/14/2013
<b>CASE TITLE</b>	Jimenez Moreno et al vs. Napolitano et al		

**DOCKET ENTRY TEXT**

Plaintiffs’ motion to certify class [5] is stricken without prejudice. The parties have stated that they will need class discovery and discovery has commenced. Because class discovery may impact the parties’ arguments and the definition of the class, consideration of the class certification issue is premature at this time. On 1/8/13, the Court set a briefing schedule for the class certification issue. Plaintiffs are granted leave to file a renewed motion for class certification with their memorandum in support of class certification, which is due 4/19/13. Additionally, for the reasons provided herein, Sergey Mayorov and Nicholas Taylor-Jones’s motion to intervene [25] is denied.

■[ For further details see text below.]

Docketing to mail notices.

**STATEMENT**

On 11/23/11, Sergey Mayorov and Nicholas Taylor-Jones moved to intervene and serve as class representatives. When they moved to intervene, they had active I-247 immigration detainers outstanding against them. Since then, however, the detainers against them have been lifted.

On 11/30/12, the Court denied Defendants’ motion to dismiss and construed the proposed class to include only “individuals who have an active I-247 detainer outstanding against them.” (11/30/12 Mem. Op. & Order 9.) At that time, the Court held that the claims of named Plaintiffs Jose Jimenez Moreno and Maria Jose Lopez fall under the “inherently transitory” exception to the mootness doctrine. Consequently, even though the detainers against Moreno and Lopez have been lifted and Moreno and Lopez, therefore, are not themselves part of the proposed class, they can continue to represent the class for certification purposes because “it is preferable to have the plaintiff currently before the court act as a class representative, even if his individual claims have expired, than to have no plaintiff at all.” *Trotter v. Klinicar*, 748 F.2d 1177, 1183-84 (7th Cir. 1984).

Adding Mayorov and Taylor-Jones as additional named plaintiffs, however, is not appropriate or necessary at this time because they are not part of the proposed class and the proposed class is already represented by Moreno and Lopez. Thus, Mayorov and Taylor-Jones’s motion to intervene as named plaintiffs and class representatives [25] is denied.