

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INGRID BUQUER, <i>et al.</i> ,)	
))	Cause No. 1:11-cv-0708-SEB-MJD
Plaintiffs,)	
)	
v.)	
)	
CITY OF INDIANAPOLIS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Come now the Plaintiffs and the Defendants, Marion County Prosecutor in his official capacity and Johnson County Prosecutor in his official capacity, having filed their Stipulation to Certify Case as a Class Action, and the Court having read the Stipulation, and being duly advised, finds that good cause exists to grant it, and,

IT IS THEREFORE ORDERED that this case is certified as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure, with the Class A defined as:

All persons in Marion and Johnson Counties, Indiana, or who will be in Marion and Johnson Counties, Indiana, who are or will be subject to warrantless arrest pursuant to Section 19 of SEA 590 based on a determination that: a removal order issued against them by an immigration court; have or will have, a detainer or notice of action issued against them by the United States Department of Homeland Security; or they have been, or will be, indicted for or convicted of one (1) or more aggravated felonies, as defined in 8 U.S.C. § 1101(a)(43).

This class is certified with regard to Plaintiffs' claims that there are questions of law or fact common to the class: whether Section 19 of Senate Enrolled Act 590, which provides law enforcement with discretion to arrest individuals with a notice of action, detainer, or removal order, is preempted by Federal law and is unconstitutional.

IT IS THEREFORE ORDERED that this case is certified as a class action pursuant to Rule 23(b)(2) of the Federal rules of Civil Procedure, with the Class B defined as:

All persons in Marion and Johnson Counties, Indiana, or who will be in Marion and Johnson Counties, Indiana, who possess, or will possess, a valid consular identification card and are using it, or will use it, for non-fraudulent identification purposes.

This class is certified with regard to Plaintiffs' claims that there are questions of law or fact common to the class: whether Section 18 of Senate Enrolled Act 590, which provides the use of consular identification cards as a form of identification, is unlawful, is preempted by Federal law and is unconstitutional.

IT IS FURTHER ORDERED that Kenneth J. Falk, Gavin Rose, Jan P. Mensz and the remainder of plaintiffs' counsel are appointed as counsel for the class.

07/14/2011

Date

Hon.

Southern