

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

<b>Name of Assigned Judge or Magistrate Judge</b>	Judge Zagel	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	03 C 1768	<b>DATE</b>	August 14, 2008
<b>CASE TITLE</b>	GENISE HART, CARMEN FELICIANO, ANN FRANCIS GELCO, CAPRICE MORALES and MICHELLE GANDY, Individually and on behalf of a class v. THOMAS DART, SHERIFF OF COOK COUNTY, in his official capacity, and COOK COUNTY		

**DOCKET ENTRY TEXT:**

Plaintiffs' motion for class certification is denied.

**STATEMENT**

Plaintiffs filed a Motion for Class Certification in July 2005. Defendants filed a Motion for Summary Judgment in September 2005. In February 2006, discovery was stayed by agreement of the parties. A settlement conference was set for April 19, 2007 and both Plaintiffs' motion to certify a class and Defendants' motion for summary judgment were denied as moot. Settlement conferences were held in April and May of 2007, but no agreement was reached. The parties continued fact discovery, and Defendants filed an updated motion for summary judgment, which I granted in part and denied in part on July 24, 2008. Thereafter, I granted Plaintiffs' motion to file instant a reply to their motion for class certification.<sup>1</sup>

Plaintiffs acknowledge that the matter of certification for the class seeking injunctive relief is moot because the Sheriff has ceased the practice of weekend lockdowns. However, Plaintiffs argue that the certification of a class for monetary damages is not moot.

As I noted in my July 24, 2008 order, this case is inappropriate for a class action. Discovery has revealed that formal lockdown procedures were sometimes not followed, but at other times they were. Thus, the original complaint that proposed a class action directed at a wrong perpetrated against all inmates by virtue of a practice and procedure mandated by the directors of the Cook County Jail must fail. The prerequisites for class action are not met for Plaintiffs to proceed with separate classes for each weekend that proper procedures were not executed. For these reasons, and for those stated in my July 24, 2008 order, Plaintiffs' motion for class certification is denied.

1. Defendants suggest that I not consider the merits of Plaintiffs' motion to certify a class since I previously denied it as moot. Plaintiffs could have re-filed the motion after it became clear that a settlement would not be reached. However, because settlement discussions and further discovery did not actually moot Plaintiffs' motion to certify a class, and because I granted Plaintiffs' motion to file instant a reply, I consider here the merits of the motion for certification.

