

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LINDA ROSE, *et al.*,

Plaintiffs,

Case No. 01-10337

v.

SAGINAW COUNTY, *et al.*,

Hon. David Lawson

Defendants.

**PLAINTIFFS' SUPPLEMENTAL BRIEF  
ADDRESSING CLASS DEFINITION**

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## CLASS DEFINITION

For reasons explained at oral argument, Plaintiffs seek certification of the following class:

All detainees who were placed in administrative segregation in the Saginaw County Jail from October 19, 1998<sup>1</sup> and were stripped of their clothing before being placed in administrative segregation pursuant to Defendants' policy.

Plaintiffs contend that the class should include all persons, whether pre-trial detainees or post-trial inmates, because the County's policy applied to all persons confined at the jail. *See Rose v. Saginaw County*, 353 F.Supp.2d 900, 906 (E.D.Mich. 2005) ("Whenever a person is placed in administrative segregation, it is the policy and practice of the Saginaw County jail personnel to remove the person's clothing and put the detainee in the segregation cell naked. A detainee's clothes are forcefully removed if he or she does not voluntarily comply with jail personnel orders to remove the clothes prior to entering the administrative segregation cell.").

Plaintiffs do not believe that there is any basis for distinguishing between pre-trial and post-trial detainees based on the authorities upon which this court relied in *Rose*, 353 F.Supp.2d at 920, citing, *inter alia*, *Cornwell v. Dahlberg*, 963 F.2d 912 (6th Cir.1992), and *Kent v. Johnson*, 821 F.2d 1220 (6th Cir.1987); and *Everson v. Michigan Dept. of Corrections*, 391 F.3d 737 (6th Cir.2004).

The court should first decide whether the term "detainees" as used in this proposed class definition includes detained persons in a post trial status.

Once the court defines "detainees", the court should then form two subclasses:

- 1) Detainees placed in administrative segregation without gowns-the vast majority of the members of the proposed class, and,

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<sup>1</sup> The First Amended Complaint was filed on October 18, 2001. The statute of limitations is three years. Thus, any person who had been placed in segregation of

2) Detainees placed in administrative segregation with gowns.

Plaintiffs also do not believe that there is any basis for excluding from the class persons who may have received some sort of paper gown because, under the admitted conditions at the jail, the constitutional violation occurred when the person was stripped and, thus, at most, the gown would act as a mitigating factor with regard to the detainees invasion of privacy claim. Further, the County's use of the gown under the admitted circumstances at the jail was not adequate to protect the privacy concerns protected by the Fourth Amendment.

/s/ Stephen Wasinger

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Dated: November 14, 2005  
KH073535

**CERTIFICATE OF SERVICE**

I hereby certify that on November 14, 2005, I electronically filed the foregoing

**PLAINTIFFS' SUPPLEMENTAL BRIEF  
ADDRESSING CLASS DEFINITION**

with the Clerk of the Court for the Eastern District of Michigan using ECF system which will send notification of such filing to the following registered participants of the ECF system as listed on the Court's Notice of Electronic Filing:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

NONE

/s/ Stephen Wasinger

STEPHEN WASINGER