

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

	:	
ANGEL COLON <i>et al.</i> ,	:	Hon. Dennis M. Cavanaugh
	:	
Plaintiffs,	:	ORDER
	:	
v.	:	Civil Action No. 08-CV-4439 (DMC)
	:	
PASSAIC COUNTY <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

_____ This matter coming before the Court upon Plaintiffs’ motion for class certification under Fed. R. Civ. P. 23(b)(2) and upon Defendant George Hayman’s motion to dismiss under Fed. R. Civ. P. 12(b)(6); and the Court having further reviewed all submissions; and for the reasons stated in its Opinion issued on this day,

IT IS on this 27th day of May, 2009;

ORDERED that the following class is hereby certified:

All persons who are now or will become incarcerated at Passaic County Jail during the pendency of this lawsuit.

ORDERED that the following claims are hereby certified for class treatment:

- a. Plaintiffs’ Count I claim for violation of the Fourteenth Amendment;
- b. Plaintiffs’ Count II claim for violation of the Eighth Amendment;
- c. Plaintiffs’ Count III claim for violation of the Free Exercise Clause of the First Amendment;
- d. Plaintiffs’ Count IV claim for unlawful retaliation in violation of the First Amendment;

- e. Plaintiffs' Count V claim for restriction on access to the courts in violation of the First Amendment.

ORDERED that Plaintiffs Angel Colon, Roy Schmitt, Jubra'eel Lebron, Winifred Gates, Mark Harkins, Matthew Carley, Cecilio Toledano and Andrew Crawford are hereby appointed Class Plaintiffs.

ORDERED that Dechert LLP, the Center for Social Justice at the Seton Hall University School of Law, and the American Civil Liberties Union of New Jersey Foundation are hereby appointed class counsel.

ORDERED that Defendant Hayman's motion to dismiss is **denied**.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office
cc: All Counsel of Record
The Honorable Mark Falk, U.S.M.J.
File