

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JANE DOE 1 and JANE DOE 2, on behalf of :  
themselves and all similarly situated women, :  
:  
:  
Plaintiffs, :  
:  
-against- :  
:  
THE CITY OF NEW YORK and BENNY :  
SANTIAGO, :  
:  
:  
Defendants. :  
:  
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**SUMMARY ORDER  
DENYING MOTION FOR  
CLASS CERTIFICATION**  
  
15 Civ. 3849 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

On May 19, 2015 plaintiffs filed their complaint against the City of New York and Corrections Officer Benny Santiago, alleging claims for relief for the two individual plaintiffs, Jane Doe 1 and Jane Doe 2, as well as a class of similarly situated individuals. On October 9, 2015, plaintiffs moved to certify a class of all women presently incarcerated and who will be incarcerated at the Rose M. Singer Center (RMSC) at Rikers Island, and who have been or will be raped or sexually abused by staff while incarcerated there. The City opposed certification. I heard oral arguments on January 4, 2016. The motion to certify a class is denied.

For the reasons stated in detail on the record, I find that the class is not sufficiently ascertainable as proposed, and that the named plaintiffs, who also seek monetary damages, lack typicality and commonality in their claims, and would not adequately represent the interests of the class. Fed. R. Civ. P. 23(a). I am further concerned that allowing this lawsuit to proceed as a class action will delay the adjudication of the serious and troubling allegations in

the Complaint, and have concerns that unidentifiable future victims could be precluded from suing for damages for rape, because of their membership in this class, even where they never had an option to opt out.

The claims of the individual plaintiffs survive, both for monetary and equitable relief. The parties shall appear for a status conference to determine the course of the proceedings going forward, on January 15, 2016, at 10:45 A.M.

SO ORDERED.

Dated: New York, New York  
Jan. 5, 2016

A handwritten signature in black ink, appearing to read "Alvin K. Hellerstein", written over a horizontal line.

ALVIN K. HELLERSTEIN  
United States District Judge