

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

D. D., individually and on behalf of a class of all others similarly situated, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Case No. 2:10-cv-1097
	:	
Washington County, Ohio, et al.,	:	JUDGE EDMUND A. SARGUS, JR. Magistrate Judge Kemp
	:	
Defendants.	:	

ORDER

This matter is before the Court on Defendants’ motion to partially decertify the class of plaintiffs, and to provide certification notice to only those class members who remain after this partial decertification. The original certification of the class occurred earlier this year, and now—following extensive investigation, factfinding, and negotiation—the parties have reached a proposed agreement that applies to a smaller group of individuals than what was conditionally and initially certified.

For the reasons articulated in Defendants’ motion, the Defendants’ unopposed motion to partially decertify the class (#27) is **GRANTED**. Further, the Court certifies the class that remains in this case under Fed.R.Civ.P. 23(b) (2) and (b) (3) consists of the following:

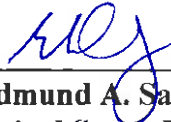
All persons under twenty years of age as of the date on which this lawsuit is filed (and others for whom the statute of limitations is legally tolled) who have been, are now, or in the future, held in custody at the Washington County, Ohio Juvenile Center

The Court further orders that K.M., D.D., N.B., B.M., C.M., W.G., J.L., and J. R., remain appointed as class representatives and that Alphonse A. Gerhardstein and Jennifer L. Branch remain appointed as class counsel. This remains a provisional class order. Defendants have preserved their right to move to decertify based upon future developments in this case, to move for subclasses and assert any defenses they deem appropriate in this matter. Should a motion to decertify again be filed, the parties agree that the burden of proof rests with the plaintiffs to satisfy all of the requirements of Rule 23.

The Notice submitted by counsel as part of the joint motion to preliminarily approve consent decree is approved and shall be published by plaintiffs as provided for in the order on that motion. Notice shall occur in the local newspapers in Marietta and Parkersburg; posting on the website of Gerhardstein & Branch; mailed by plaintiffs to the last known address of every putative class member (as defined in the newly revised, partially decertified class); and as further ordered by the Court.

IT IS SO ORDERED.

Date: 10-17-2011



Edmund A. Sargus, Jr.
United States District Judge