

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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DAVID MCGEE, JACOB SEXTON,)
RICHARD PAHL, JOSE TORRES,)
KEVIN KIMBER, DANIEL MUIR,)
JAMES ANDERSON,)
and all others similarly situated,)
Plaintiffs.)

v.)

DOCKET NO. 1:04-CV-335

ROBERT HOFMANN, Commissioner,)
Vermont Department of)
Corrections,)
Defendant.)

MOTION FOR CLASS CERTIFICATION

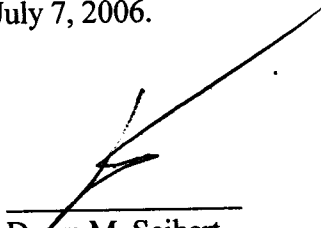
NOW COMES Plaintiffs, by and through their attorney, Dawn M. Seibert, Prisoners' Rights Office, and move the Court to certify a class of all inmates who reside in constantly illuminated cells in Vermont. Plaintiffs claim that Defendant's use of constant illumination violates the Eighth Amendment to the United States Constitution; Chapter One, Article Eighteen of the Vermont Constitution; 28 V.S.A. § 853(b); and 28 V.S.A. § 601. Plaintiffs state the following in support of their Motion:

- 1) The named plaintiffs currently reside in constantly illuminated cells.
- 2) The class comprises over 1,000 inmates; joinder of all members is impracticable.
- 3) There are questions of law and fact common to the class.
- 4) The claims of the named plaintiffs are typical of the claims of the class.
- 5) The named plaintiffs promise to fairly and adequately protect the interests of the class.

- 6) Defendant has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

Wherefore, Plaintiffs move the Court to certify a class of all inmates who reside in constantly illuminated cells in Vermont.

DATED at Montpelier, Vermont this July 7, 2006.



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