

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

D'ANGELO FOSTER and AMANDA
UNDERWOOD, on behalf of themselves and
Those similarly situated

Plaintiffs,

v.

CITY OF ALEXANDER CITY and WILLIE
ROBINSON, in his official and individual
capacities,

Defendants.

Case No. 3:15-cv-647

[PROPOSED]

**ORDER GRANTING PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION
OF THE SETTLEMENT CLASS AND APPOINTMENT OF CLASS COUNSEL**

Before the Court is Plaintiffs' Unopposed Motion for Conditional Certification of the Settlement Class and for Appointment of Class Counsel. (Doc. 94).

Plaintiffs seek monetary damages on behalf of themselves and a class of similarly situated individuals based on the actions of Defendants City of Alexander City ("City") and Police Chief Willie Robinson that caused the incarceration of Plaintiffs and class members for nonpayment of fines and costs assessed on traffic tickets and other municipal violations when the person did not pay in full on the date of adjudication.

In the instant Motion for Conditional Certification of the Settlement Class and for Appointment of Class Counsel, Plaintiffs seek to conditionally certify a class pursuant to Rule 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure for the purpose of settlement. *See*

Doc. 36 ¶ 69. For the reasons articulated below, the Court finds Plaintiffs meet the requirements to certify their proposed Class under Rule 23(a) and 23(b)(3).

First, the Class consists of 190 known members. This is sufficiently numerous such that joinder would be impracticable under Rule 23(a)(1).

Second, commonality under Rule 23(a)(2) is met. Several questions of fact and law underlying this action are common across the Class and thus are capable of class-wide resolution. Such questions include whether Defendants had a policy, practice, or custom of arresting and incarcerating individuals when those individuals could not pay the money owed to the court and whether Alexander City had a policy, practice, or custom of incarcerating unrepresented individuals who had not waived their right to counsel, among others.

Third, Plaintiffs meet the typicality requirement for class certification under Fed. R. Civ. P. 23(a)(3) because Defendants' challenged past policies, practices, and customs equally applied to and caused damage to the named Plaintiffs as well as to putative Class members.

Fourth, adequacy of representation is met. Plaintiffs have no conflict with and will fairly and adequately represent the interests of the Class, and Plaintiffs' attorneys have experience in class actions and will appropriately represent the interests of the Class.

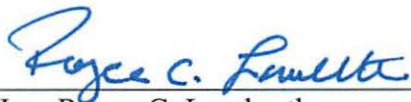
In addition, class certification is proper under Rule 23(b)(3) because questions of law or fact common to class members predominate over any questions affecting only individual members, and class-wide relief is superior to other available methods for fairly and efficiently settling this case.

Accordingly, the Court **GRANTS** Plaintiffs' Motion for Conditional Certification of the Settlement Class and Plaintiffs' proposed Settlement Class is hereby **CONDITIONALLY CERTIFIED** for purposes of settlement as follows:

All individuals who, on or between September 8, 2013, and September 8, 2015, were arrested and jailed for their failure to pay fines and court costs by the Alexander City Police Department.

Finally, the Court **APPOINTS** Plaintiffs' counsel Sara Zampierin, Samuel Brooke, and Ivy Wang of the Southern Poverty Law Center and William F. Cavanaugh, Jr. of Patterson Belknap Webb & Tyler as class counsel.

Dated: 3/13/17



Hon. Royce C. Lamberth
United States District Judge