

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

| | | |
|---------------------------------|---|-----------------------|
| JOSHUA DUNN, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. |
| |) | 2:14-CV-00601-MHT-TFM |
| JEFFERSON DUNN, in his official |) | |
| capacity as Commissioner |) | |
| of the Alabama Department of |) | |
| Corrections, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION

Pursuant to Fed. R. Civ. P 23, Plaintiffs respectfully request an order certifying Named Plaintiffs Joshua Dunn, Sheila Allen, Edward Brags, Tedrick Brooks, Gary Lee Broyles, Quang Bui, Richard Businelle, Howard Carter, Robert Dillard, Paul Folsom, Christopher Gilbert, Dwight Hagood, Daletrick Hardy, Sylvester Hartley, Charlie Henderson, Christopher Jackson, Brandon Johnson, John Maner, Rick Martin, Willie McClendon, Roger McCoy, Jermaine Mitchell, Kenneth Moncrief, Tommie Moore, Matthew Mork, Roger Moseley, Bradley Pearson, Leviticus Pruitt, Turner Rogers, Timothy Sears, Brian Sellers, Augustus Smith, William Sullivan, Richard Terrell, Hubert Tollar, Daniel Tooley, Joseph Torres, Donald Ray Turner, Jamie Wallace, and Robert “Myniasha” Williams to represent a general class of “all prisoners in the custody of ADOC who have or will in the future have a serious medical condition and are now, or will in the future be, subject to Defendants’ health care policies and practices” by virtue of serious medical, dental, or mental health needs.

In addition, Plaintiffs seek certification of two subclasses:

(a) A “Dental Subclass” consisting of “all persons with serious dental conditions who are now, or will in the future be, subject to defendants’ dental care policies and practices at ADOC facilities,” to be represented by Named Plaintiffs Richard Businelle, Robert Dillard, Richard Terrell, and William Sullivan.

(b) A “Mental Health Subclass” consisting of “all persons with a serious mental health disorder or illness who are now, or will in the future be, subject to defendants’ mental health care policies and practices in ADOC facilities and policies and practices relating to the treatment of persons with disabilities,” to be represented by Named Plaintiffs Joshua Dunn, Edward Braggs, Quang Bui, Richard Businelle, Howard Carter, Robert Dillard, Daletrick Hardy, Sylvester Hartley, Christopher Jackson, Brandon Johnson, Roger McCoy, Kenneth Moncrief, Leviticus Pruitt, Richard Terrell, Jamie Wallace, and Robert “Myniasha” Williams.

For a district court to certify a class action, the named plaintiffs must satisfy the numerosity, commonality, typicality, and adequacy of representation requirements of Rule 23(a) and at least one of the requirements of Rule 23(b). For the reasons set forth in the memorandum of law filed herewith, the Plaintiffs meet all four of the Rule 23(a) requirements and the requirements of Rule 23(b)(2). These classes should therefore be certified.

Dated: August 19, 2016

Respectfully Submitted,

/s/ Maria V. Morris

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 19th day of August, 2016, electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

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