

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CARL A. BARNES, *et al.*,

Plaintiffs,

v.

DISTRICT OF COLUMBIA,

Defendant.

Civil Action No. 06-315 (RCL)

ORDER

Before the Court is the District of Columbia's Motion [14] to Dismiss, or, in the alternative, its Motion [15] for Summary Judgment, as well as several other motions. Upon consideration of the various motions and the papers in support of and opposition thereto, the applicable law, and the entire record herein, and for the reasons set forth in the accompanying Memorandum Opinion issued this date, it is hereby

ORDERED, that the Motion [14] to Dismiss is DENIED; and it is further

ORDERED, the Motion [15] for Summary Judgment is DENIED; and it is further

ORDERED, that the District's Motion [26] for an extension of time to respond to plaintiffs' motion for class certification is DENIED; and it is further

ORDERED, that plaintiffs' Motion [7] for class certification is GRANTED. The Court hereby adopts the following two class definitions:

"Overdetention Class"

1. (a) Each person who has been, is, or in the future will be incarcerated in any District of Columbia Department of Corrections facility from September 1, 2005 forward; and
(b) who was not released, or, in the future, will not be released by midnight on the date on

which the person is entitled to be released by court order or the date on which the basis for his or her detention has otherwise expired.

“Strip Search Class”

2. Each person who was, or in the future will be, from September 1, 2005, forward: (i) in the custody of the District of Columbia Department of Corrections; (ii) taken to court from a Department of Corrections facility; (iii) ordered released by the court or otherwise became entitled to release by virtue of the court appearance because the charge on which he had been held was no longer pending or was dismissed at the hearing, was ordered released on his own recognizance, or had posted bail, was sentenced to time served, was acquitted or was otherwise entitled to release; (iv) was not the subject of any other pending cases or cases which imposed any condition of release other than personal recognizance; (v) was not the subject of any detainer or warrant; (vi) was returned from court to the DC Jail or CTF or other District facility, to be processed out of Department of Corrections custody; and (vii) was subject to a strip search and/or visual body cavity search without any individualized finding of reasonable suspicion or probable cause that he was concealing contraband or weapons; before being released, regardless of whether he was overdetained.

It is further

ORDERED, that the classes defined above be maintained as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure as to the claims of the class members for declaratory or injunctive relief, and that the class be maintained as a class action pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure as to the claims of the class members for monetary relief. It is further

ORDERED that Carl A. Barnes, Darnard Hawkins, Toney James Malloy, David Peterson, and Maurice Williams are hereby certified as the named representatives of the Overdetention Class defined above; and it is further

ORDERED, that Carl A. Barnes, David Peterson, Toney James Malloy, and Maurice Williams are certified as the named representatives of the Strip Search Class; and it is further

ORDERED, that William Claiborne, Barrett Litt, and Ralph Robinson shall serve as class counsel; and it is further

ORDERED, that within thirty (30) days of the date of this Order, the parties shall file an agreed-upon proposed order regarding class notification procedures; provided, however, that if the parties are unable to reach agreement on the terms of the proposed order, then within thirty (30) days of the date of this Order, plaintiff and defendant shall file separate proposed orders regarding class notification procedures; and it is further

ORDERED, that plaintiffs' Motions [24 & 30] for Discovery are DENIED without prejudice, and it is further

ORDERED, that plaintiffs' Rule 56(f) Motion [20] for extension of time to respond to summary judgment is DENIED as moot; and it is further

ORDERED, that the parties shall meet and confer within ten (10) days of this date and submit a proposed scheduling order to the Court outlining timetables for discovery and submission of dispositive motions.

SO ORDERED.

Signed by United States District Judge Royce C. Lamberth, March 26, 2007.