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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LORENZO MAYS, RICKY
RICHARDSON, JENNIFER BOTHUN,
ARMANI LEE, LEERTESE BEIRGE, and
CODY GARLAND, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

COUNTY OF SACRAMENTO

Defendant.

Case No.: 2:18-cv-02081 TLN KJN P

**FINDINGS AND
RECOMMENDATIONS RE:
JOINT MOTION FOR
CLASS CERTIFICATION**

Complaint Filed: July 31, 2018

The parties filed a Joint Motion for Class Certification under Rules 23(a), 23(b)(1), and 23(b)(2) of the Federal Rule of Civil Procedure, which came on for hearing before the undersigned on November 29, 2018. After full consideration of the evidence, the parties' arguments, and the authorities submitted by counsel, the undersigned recommends that this action be maintained as a class action under Federal Rule of Civil Procedure Rule 23(a), 23(b)(1), and 23(b)(2), and recommends the parties' Joint Motion for Class Certification be granted.

The undersigned finds as follows:

1. The numerosity, commonality, typicality, and adequacy requirements of Rule 23(a) are satisfied.
2. The requirements under both Rule 23(b)(1) and Rule 23(b)(2) are satisfied.
3. The action should be certified as a class action as to all claims and defenses

1 at issue in the Complaint pursuant to Rules 23(a), 23(b)(1), and 23(b)(2) of the Federal
2 Rules of Civil Procedure.

3 4. The undersigned recommends certification of the following classes:

4 **Plaintiff Class:** All people who are now, or in the future will
5 be, incarcerated in the Sacramento County jails.

6 **Plaintiff Subclass (the “Disability Class”):** All qualified
7 individuals with disabilities, as that term is defined in 42
8 U.S.C. § 12102, 29 U.S.C. § 705(9)(B), and California
Government Code § 12926(j) and (m), who are, or will be in
the future, incarcerated in the Sacramento County jails.

9 5. Plaintiffs MAYS, RICHARDSON, BOTHUN, LEE, BEIRGE, and
10 GARLAND be certified to serve as representatives of the Plaintiff Class and Disability
11 Subclass.

12 6. Disability Rights California, the Prison Law Office, and Cooley LLP be
13 appointed as class counsel to represent the interests of the Plaintiff Class and Disability
14 Subclass. Fed. R. Civ. P. 23(c)(1)(B).

15 7. Pursuant to Rule 23(c)(2)(A), the parties shall confer and, in their joint status
16 report to be filed on December 17, 2018, shall address the status of their proposed notice to
17 the Plaintiff Class and Disabilities Subclass, and the proposed method of distribution of
18 such notice.

19 These findings and recommendations are submitted to the United States District
20 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
21 **ten** days after being served with these findings and recommendations, any party may file
22 written objections with the court and serve a copy on all parties. Such a document should
23 be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any
24 response to the objections shall be filed and served within **seven** days after service of the
25 objections. The parties are advised that failure to file objections within the specified time

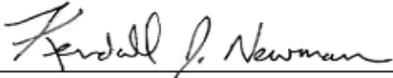
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1 may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
2 (9th Cir. 1991).

3 Dated: November 30, 2018

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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