

1 Amy Fettig (*pro hac vice* pending)
2 Margaret Winter (*pro hac vice* pending)
3 THE NATIONAL PRISON PROJECT
4 OF THE ACLU FOUNDATION, INC.
5 915 15th Street, N.W., Seventh Floor
6 Washington, D.C. 20005
7 Tel. (202) 393-4930; fax (202) 393-4931
8 afettig@npp-aclu.org
9 mwinter@npp-aclu.org

7 Lee Rowland, NV Bar No. 10209
8 ACLU OF NEVADA
9 1280 Terminal Way, Suite 46
10 Reno, NV 89502
11 Tel (775) 786-1033; fax (775) 786-0805
12 rowland@aclunv.org

11 Allen Lichtenstein, NV Bar No. 3992
12 General Counsel, ACLU OF NEVADA
13 3315 Russell Road, No. 222
14 Las Vegas, Nevada 89120
15 Tel (702) 433-2666; fax (702) 433-9591
16 alichtensteinlaw@aol.com

15 Stephen F. Hanlon (*pro hac vice* pending)
16 HOLLAND & KNIGHT LLP
17 2099 Pennsylvania Avenue, N.W.
18 Washington, D.C. 20006
19 Tel. (202) 955-3000; fax (202) 955-5564

19 *Counsel for Plaintiffs*

20 IN THE UNITED STATES DISTRICT COURT
21 FOR THE DISTRICT OF NEVADA

22 DAVID RIKER, ROGER LIBBY, RICKY SECHREST)
23 TERRENCE BROTHERS, JEFFREY HOSMER, MARK)
24 WHITTINGTON on their own behalf and on behalf of)
25 those similarly situated,)
26 Plaintiffs,) Docket #: 3:08-CV-115-ECR-VPC
27 v.) **PLAINTIFFS' MOTION FOR**
28) **CLASS CERTIFICATION**
)
)

1 JAMES GIBBONS, Governor of Nevada; ROSS MILLER,)
2 Secretary of State of Nevada; CATHERINE CORTEZ)
3 MASTO, Attorney General of Nevada;)
4 HOWARD SKOLNIK, Director, Nevada Department)
5 of Corrections; ROBERT BANNISTER, Medical Director,)
6 Nevada Department of Corrections; and)
7 E. K. MCDANIEL, Warden, Ely State Prison,)
8 Defendants.)
9

10 Plaintiffs David Riker, Roger Libby, Ricky Sechrest, Terrence Brothers, Jeffrey Hosmer, and
11 Mark Whittington by and through their attorneys, hereby respectfully move the Court for an order
12 certifying this proceeding as a class action pursuant to Rule 23(a) and 23(b)(2) of the Federal Rules
13 of Civil Procedure. The proposed class, on whose behalf the representative Plaintiffs named in the
14 Complaint bring constitutional claims, is defined as follows: "all prisoners who are now or in future
15 will be in the custody of the Nevada Department of Corrections at Ely State Prison, Ely, Nevada."

16 Plaintiffs also request an order appointing the undersigned counsel to represent the certified
17 class, pursuant to Rule 23(g) of the aforementioned rules.

18 In support of the motion, Plaintiffs submit the attached Memorandum of Points and
19 Authorities.

20 Dated: March _11___, 2008

21 Respectfully submitted,

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23 _____/S/
24 Lee Rowland
25 ACLU of Nevada
26 NV Bar No. 10209
27 1280 Terminal Way, Suite 46
28 Reno, NV 89502
Tel (775) 786-1033; fax (775) 786-0805
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Tel. (202) 393-4930; fax (202) 393-4931
mwinter@npp-aclu.org
afettig@npp-aclu.org

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General Counsel, ACLU of Nevada
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Las Vegas, Nevada 89120
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Washington, D.C. 20006
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Counsel for Plaintiffs

¹ Attorneys Fettig, Winter and Hanlon will comply with LR IA 10-2 within 45 days of the date the Complaint was filed in this action.

1 Certificate of Service

2 Pursuant to Fed. Rule of Civ. Proc. 5(b), I hereby certify that on March 11, 2008, I
3 electronically filed the following documents in the above-entitled action with the Clerk of the Court
4 using the CM/ECF system:

- 5 **1. Plaintiffs' Motion for Class Certification**
6 **2. Plaintiffs' Memorandum of Law in Support of Motion for Class Certification**

7
8 I also hereby certify that on this 11th Day of March, 2008, I served, via mailing, first class
9 postage prepaid, at Reno, NV, a copy of the **Plaintiffs' Motion for Class Certification and**
10 **Memorandum of Law in Support of Motion for Class Certification**, to the following individuals:

11 Governor James Gibbons
12 c/o The Office of the Attorney General
13 100 North Carson Street
14 Carson City, Nevada 89701-4714

15 Ross Miller
16 Secretary of State
17 Main Office - Capitol Building
18 101 North Carson Street, Suite 3
19 Carson City, NV 89701-3714

20 Catherine Cortez Masto
21 Attorney General
22 100 North Carson Street
23 Carson City, Nevada 89701-4714

24 Howard Skolnik, Director
25 Nevada Department of Corrections
26 Central Administration, Stewart Facility
27 5500 Snyder Avenue, Bldg. 17
28 Carson City, Nevada 89701

Robert Bannister

1 Medical Director
2 Nevada Department of Corrections
3 5500 Snyder Avenue
4 Carson City, Nevada 89701
5 E.K. McDaniel
6 c/o Nevada Department of Corrections
7 Central Administration, Stewart Facility
8 5500 Snyder Avenue, Bldg. 17
9 Carson City, Nevada 89701

10
11 Respectfully Submitted,

12
13 _____ /s/
14 Lee Rowland
15 ACLU of Nevada
16 NV Bar No. 10209
17 1280 Terminal Way, Suite 46
18 Reno, NV 89502
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