

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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In re NASSAU COUNTY STRIP
SEARCH CASES
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ORDER
99-CV-2844(DRH)

APPEARANCES:

For Plaintiffs:

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By: Robert L. Herbst, Esq.
Oren Giskan, Esq.

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For Defendants:

Lorna B. Goodman
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Liora Ben-Sorek, Esq.

For Movant:

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HURLEY, Senior District Judge:

Presently before the Court is the application of Marilyn Bloch (“Bloch”) to be a named plaintiff in this class action. The application is opposed by both Plaintiffs and Defendants. For the reasons set forth below, the application is denied.

The class certified in this action consists of all persons “arrested for misdemeanors or non-criminal offenses in Nassau County who thereafter were strip searched at the Nassau County Correctional Center pursuant to defendants’ blanket policy, practice and custom which required that all arrestees be strip-searched upon admission to the facility from May 20, 1996 until and including June 1, 1999.” Class counsel has advised the Court that Bloch and her father are members of the class.

Rule 23 provides that a class representative must fairly and adequately represent the interests of the class. Bloch’s application does not address her ability to fairly and adequately represent the class. Moreover, it is apparent based on Bloch’s affidavit that she seeks to become a named plaintiff in order to vindicate the rights of her father who she claims was illegally held in the jail and whose bail she claims was illegally not accepted. (*See* Affidavit in Supp. ¶ 2-4.) These claims are outside the scope of the issues pertinent to this class action.

To the extent that the application may be deemed a motion to intervene under Fed. R. Civ. P. 24, it is untimely given the pendency of this action for more than ten years.

The application is denied.

SO ORDERED.

Dated: Central Islip, New York
April 23, 2010

/s/

Denis R. Hurley
Senior District Judge