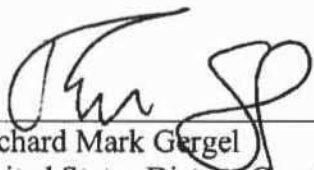


F.3d 188 (4th Cir. 2006) (reversing district court order certifying class action on the basis that a class action was not the superior method for adjudication). This Court is particularly interested in how damages will be determined for the nearly three thousand class members and how testimony will be taken as to any alleged emotional distress damages stemming from the purported unlawful strip searches—*i.e.* how the class action trial will be managed and how that is more suitable in this case than individual actions. Further, the Record is void of any evidence as to how the named Plaintiff's claims are typical and/or that he is an adequate class representative for other putative members. For example, are Plaintiff's claims typical for female prisoners and were the procedures utilized with respect to him the same as those taken with respect to female prisoners? Because the Record before the Court as of now does not allow it to make the proper findings that it has to under Rule 23, this Court will take up the class certification issues at a later date after the concerns outlined herein are addressed by the parties.¹

AND IT IS SO ORDERED.


Richard Mark Gergel
United States District Court Judge

January 19, 2011
Charleston, South Carolina

¹ While Defendants offer no opposition to the class certification motion, Defendants do indicate that they “expect to file dispositive motions based upon the constitutionality of the challenged policy” at issue in this matter. (Dkt. No. 38 at p. 1). The Court will, if practicable, take up consideration of any dispositive motions at the same time as any later, re-filed class certification motion.