McPeters v. Edwards et al Doc. 86 Att. 1

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

KAREN McPETERS, individually, and on	§	
behalf of those individuals, persons and entities	§	
who are similarly situated	§	
Plaintiff	§	
	§	
vs.	§	CIVIL ACTION NO. 4:10-CV-01103
	§	
	§	JURY
THE HONORABLE FREDERICK E.	§	
EDWARDS; BARBARA GLADDEN	§	
ADAMICK, DISTRICT CLERK;	8	
MONTGOMERY COUNTY, TEXAS, and	8	
REED ELSEVIER, INC. d/b/a LexisNexis	8	
Defendants	§	

ORDER CERTIFYING CLASS

On this date, the Court considered the motion of Karen McPeters to certify a class pursuant to Fed. R. Civ. P. 23. The Court finds that the relief requested should be granted.

Pending discovery, the Court certifies the "Class Period" from 1997 – present, and certifies the class as the persons and entities to whom Reed Elsevier, Inc. charged fees and service charges as a *fileandserve* subscriber in Texas, and in any other jurisdiction in which "the Class Members," are litigants, persons who

- (a) were required to E-file with LexisNexis fileandserve,
- (b) were required to pay LexisNexis charges, and
- (c) were refused traditional paper filing of documents by the respective court clerks, although each clerk was obligated to accept documents tendered on paper.

The Class issues are:

(a) whether LexisNexis' charges violated the Constitution or statutes of the

respective jurisdictions;

(b) whether the court clerks violated the Constitution or statutes of their respective

jurisdictions;

(c) whether judges issued any order(s) that violated the Constitution or statutes of

their respective jurisdictions;

(d) whether the LexisNexis filing fees and service charges are authorized under the

law;

(e) whether LexisNexis willfully and knowingly violated the law;

(f) whether the Members of the Class are entitled to damages, and, if so, how much;

and

(g) whether the Members of the Class are entitled to injunctive relief against the

judges, and/or court clerks, such as is more specifically set forth in Plaintiff's

Second Amended Complaint.

Pursuant to Rule 23(g), the Court appoints Robert L. Mays, Jr., Attorney at Law, 8626

Tesoro Drive, Suite 820, San Antonio, Texas 78217 as class counsel.

Pursuant to Federal Rules of Civil Procedure 23(b)(1) and (b)(2), class counsel shall provide

Notice to the class members.

IT IS SO ORDERED.

SIGNED on this the day of September, 2010.

Keith R. Ellison, Judge

U.S. District Court