

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTER DIVISION**

JAMES HOLMAN , on behalf of himself and all others similarly situated, Plaintiff vs MACON COUNTY, TENNESSEE , Defendant	Case No. 2:10-0036 Hon. Brown/Campbell
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PLAINTIFF’S MOTION FOR CLASS CERTIFICATION

Plaintiff James Holman respectfully moves this Court to certify this case as a class action pursuant to Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure. As grounds, Plaintiff asserts that the evidence in this case supports class certification under Rule 23(b)(2) in that the class is too large to join them individually and that the representative Plaintiff’s claims and the claims of class members arise out of the same practice and conduct of Defendant Macon County.

Plaintiff’s claims against Macon County related to the system of setting bail are typical of the claims of all other putative class members and they are based on the same legal theories. Specifically, the common legal theories in this case are that Defendant Macon County has violated 42 U.S.C. 1983 by arbitrarily setting bail and setting it based on factors other than an individualized assessment of the likelihood to flee or to be a danger to the community if released. Plaintiff’s bail was set without an individualized analysis into his likelihood to flee or his risk to the community and he was denied bail on a probation violation arrest outright and thus are typical of the claims to be brought on behalf of the class. The nexus between injury and legal theory satisfies the typicality requirement of FRCP 23(a).

Plaintiff’s attorney is qualified and able and Plaintiff has no conflict of interest with absent class members. Accordingly, Plaintiff will fairly and adequately protect the interests of the class in this action as required by FRCP 23(a).

Defendant Macon County has acted on grounds generally applicable to the class. Accordingly, final injunctive relief or corresponding declaratory relief is appropriate in respect to the class as a whole as required for maintaining a class under FRCP 23(b)(2) and any compensatory damages will inure to the benefit of the class as a whole.

Plaintiff respectfully requests that this Court certify this case as a class action pursuant to FRCP 23(a) and FRCP 23(b)(2).

A brief in support is filed contemporaneously with this motion.

Respectfully submitted,

/s/ Jerry Gonzalez
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of Electronic Filing to the following:

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This the 13th day of October, 2010.

/s/ Jerry Gonzalez