

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

JANE DOE I, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 03-CV-219085
)	
THOMAS PHILLIPS, et al.,)	Division No. 4
)	
Defendants.)	

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

COME NOW Plaintiffs Jane Doe I, Jane Doe II, and John Does I-VI, by their attorney, and move this Court for an Order pursuant to Rule 52.08 of the Missouri Rules of Civil Procedure, holding that the above-captioned proceeding in which Plaintiffs seek to enjoin Defendants from enforcing MO. REV. STAT. §§ 589.44 *et seq.* ("SORA"), raising state constitutional challenges to SORA, may be properly maintained as a class action on behalf of Plaintiffs as representatives of the plaintiff class and Defendants Thomas Phillips and Michael Sanders as representatives of two defendant classes as follows:

1. That Plaintiff Class be defined as, and that the plaintiffs be allowed to represent a class of, all current or future convicted sex offenders required to register under SORA. The current convicted sex offenders who are presumably required to register under SORA number approximately 17,653 and the number of future sex offenders who will be required to register under SORA is unknown, but is likely to number in the hundreds or thousands.

Plaintiffs Jane Doe I and II and John Doe Nos. I-VI are representative of the class of convicted sex offenders required to register under SORA.

2. That Defendant Sheriff Class be defined as, and that Defendant Thomas Phillips, be designated to represent a class of, all Missouri county sheriffs who are charged, under SORA, with maintaining a complete list of the names, addresses and crimes of all offenders registered in their respective counties, with providing a copy of the list to any person who requests one, and with forwarding the complete registration to the Missouri Highway Patrol.

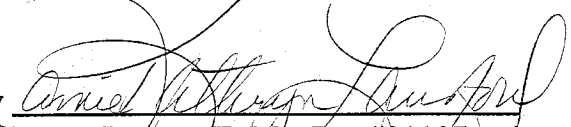
Defendant Phillips is the present Sheriff of Jackson County, Missouri, and the chief law enforcement officer for Jackson County, charged under SORA with maintaining a complete list of the names, addresses and crimes of all offenders registered in Jackson County, with providing a copy of the list to any person who requests one, and with forwarding the complete registration to the Missouri Highway Patrol. Defendant Phillips is representative of the class of all Missouri county sheriffs who are the current sheriffs and chief law enforcement officers for their respective counties.
3. That Defendant Prosecutor Class be defined as, and that Defendant Michael Sanders be designated to represent a class of, all Missouri county prosecutors who are charged by law with the responsibility of enforcing SORA in their respective counties. Defendant Sanders is charged by law with the responsibility of enforcing SORA in Jackson County, Missouri, and is representative of the class of all Missouri county prosecutors who are charged

by law with the responsibility of enforcing SORA in their respective counties.

As grounds for granting their motion for class certification as provided by MO. SUP. CT. R. 52.08, Plaintiffs refer the Court to the Suggestions in Support of this motion, filed contemporaneously and herein incorporated by this reference.

Respectfully submitted,

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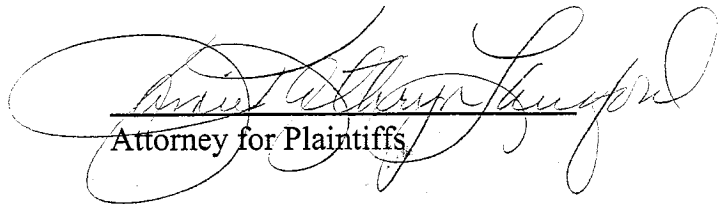
CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was served via First Class U.S. Mail, postage prepaid, this 23rd day of July, 2003, on counsel listed below:

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**SUGGESTIONS IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiffs Jane Doe I and II and John Doe I-VI have filed their Petition challenging MO. REV. STAT. §§ 589.44 *et seq.* ("SORA") on state constitutional grounds, attempting to enjoin Defendants from enforcing SORA. Now Plaintiffs seek an Order pursuant to Rule 52.08 of the Missouri Rules of Civil Procedure, holding that the above-captioned proceeding may be properly maintained as a class action. Plaintiffs Jane Doe I and II and John Doe I-VI also seek a determination that they represent the proposed plaintiff class (hereinafter, the "Doe Class" or "Plaintiff Class"), that Defendant Michael Sanders represents a proposed defendant class of Missouri County Prosecutors ("MCP Class"), and that Thomas Phillips represents a proposed defendant class of Missouri County Sheriffs ("MCS Class"). In support of their motion, Plaintiffs Jane Doe I and II and John Doe I-VI offer these suggestions.

The purpose of class action procedure is to facilitate litigation when the number of persons having interest in a lawsuit is so great that it is impractical to join them all as parties.

Beatty v. Metro. St. Louis Sewer Dist., 914 S.W.2d 791, 794 (Mo. banc 1995) (citing *Sheets v. Thomann*, 336 S.W.2d 701, 709 (Mo.App. 1960)). A request for class certification rests within the sound discretion of this Court. *State ex rel. American Family Mut. Ins. Co. v. Clark*, 106 S.W.3d 483, 486 (Mo. 2003) (citing *Ralph v. Am. Family Mut. Ins. Co.*, 835 S.W.2d 522, 523 (Mo.App. E.D. 1992)). Where the class seeks only injunctive or declaratory relief, for which the notice provision of Rule 52.08(c)(2) would not be mandatory, the Court has even greater freedom in both the timing and specificity of its class definition. *Battle v. Commonwealth of Pennsylvania*, 629 F.2d 269, 271 (3d Cir. 1980), *cert. denied*, 452 U.S. 968 (1981).¹

I. THE PREREQUISITES TO A CLASS ACTION ESTABLISHED BY RULE 52.08 (a) ARE SATISFIED

Certification of a class action requires, at a minimum, that (1) the class be so numerous that joinder of all members is impracticable, (2) questions of law or fact common to the class exist, (3) the claims of the representative parties are typical of the claims of the class, and (4) the representative parties will fairly and adequately protect the interests of the class. *Clark*, 106 S.W.3d at 486 (citing Rule 52.08(a); § 507.070, MO. REV. STAT. (2000)). These procedural rules are mandatory. *Id.* (citing *Beatty*, 914 S.W.2d at 795). Class certification is appropriate only if the prospective class meets each listed element. *Clark*, 106

¹“Because Missouri Rule 52.08 and Federal Rule 23 are identical”, Missouri courts consider federal interpretations of Rule 23 in interpreting Rule 52.08. *Koehr v. Emmons*, 55 S.W.3d 859, 864 n. 7 (Mo.App. E.D. 2001) (citing *State ex rel. Byrd v. Chadwick*, 956 S.W.2d 369, 378 (Mo.App. W.D. 1997) (citing *Ralph v. American Family Mut. Ins. Co.*, 809 S.W.2d 173 (Mo.App. E.D. 1991) (citing *Defino v. Civic Center Corp.*, 780 S.W.2d 665, 668 (Mo.App. E.D. 1989) (we may use federal precedent when our Rule tracks a federal rule) (citing *In re Estate of Caldwell*, 766 S.W.2d 464, 466 (Mo.App. E.D. 1989))). See also *Clark*, 106 S.W.3d at 486-88, (citing numerous federal decisions without further comment).

S.W.3d at 486.

A. The Proposed Classes Are So Numerous That Joinder of All Members Is Impracticable

Whether a class is so numerous that joinder is impracticable for class actions purposes, rests ultimately within the sound discretion of this Court. *Senn v. Manchester Bank of St. Louis*, 583 S.W.2d 119, 132 (Mo. 1979). A number of factors are relevant to the numerosity inquiry, the most obvious of which is, of course, the number of persons in the proposed class. *Paxton v. Union National Bank*, 688 F.2d 552, 559 (8th Cir. 1982). No arbitrary rules regarding the necessary size of classes have been established. *Id.* (citing *Boyd v. Ozark Air Lines, Inc.*, 568 F.2d 50, 54 (8th Cir. 1977)); *see also Unigroup, Inc. v. O'Rourke Storage & Transfer Co.*, 1991 WL 441902, at *3 (E.D. Mo. Aug 02, 1991) (“Clearly, no ‘magic number’ for class certification exists . . .”). In one case, however, the Missouri Court of Appeals held that the membership of the Missouri State High School Athletics Association, which was then approximately 800 schools, “clearly constitutes a class ‘so numerous that joinder of all members is impracticable.’” *Art Gaines Baseball Camp, Inc. v. Houston*, 500 S.W.2d 735, 739 (Mo.App. 1973). In addition to the size of the class, the Court may also consider the nature of the action, the size of the individual claims, the inconvenience of trying individual suits, and any other factor relevant to the practicability of joining all the putative class members. *Paxton*, 688 F.2d at 559-60 (citing C. WRIGHT & A. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1762). All of the enumerated considerations here weigh in favor of certifying the Doe Class as well as the MCP and MCS Classes.

This action challenges SORA as unconstitutional and seeks injunctive relief. Individual claims or suits would be extremely inconvenient as there are thousands of

individuals who can raise the same claim. The claims are essentially all the same. Separate joinder of all the individuals who have claims that SORA is unconstitutional would be extremely inconvenient if not entirely impracticable. The inconvenience and impracticability of trying individual suits to establish the unconstitutionality of SORA is obvious.

1. Plaintiff Class is sufficiently numerous, yet its membership is identifiable

Plaintiffs Jane Doe I and II and John Doe I-VI seek to represent the class of all current or future convicted sex offenders required to register under SORA. The proposed class is so numerous that joinder of all members is impracticable because the convicted sex offenders who are currently presumably required to register under SORA number approximately 17,653 and the number of future sex offenders who will be required to register under SORA is unknown, but is likely to number in the thousands. It is therefore impracticable to bring them all before the court. Class actions are appropriate when members of the class are from disparate geographical areas and where members cannot easily be identified. *Andrews v. Bechtel Power Corp.*, 780 F.2d 124, 131-32 (1st Cir. 1985), *cert. denied*, 476 U.S. 1172 (1986). Here, the class members are spread out across the State of Missouri. Accordingly, Plaintiffs Jane Doe I and II and John Doe I-VI should be allowed to represent the interests of those sex offenders required to register under SORA currently and in the future.

Additionally, as to identification, even though the class is sufficiently numerous, its membership is still capable of ascertainment under an objective standard – here, requirement of registration pursuant to SORA, whether now or in the future – so that the Court is assured that the interests of the class are adequately represented. 3B MOORE'S FEDERAL PRACTICE ¶ 13.04[1].

2. Missouri County Prosecutor and Missouri County Sheriff Classes are sufficiently numerous, yet their membership is ascertainable

There are 115 counties², including the Independent City of St. Louis – and, thus, 115 sheriffs³ and 115 prosecutors⁴ in Missouri. While 115 is far less than the thousands who populate the putative Doe Class, the proposed MCP and MCS Classes are both sufficiently numerous as to render it impracticable to bring each prosecutor or sheriff before the court. Defendants Thomas Phillips and Michael Sanders should be allowed to represent, respectively, the 114 other Missouri sheriffs and prosecutors who are charged with responsibilities identical to those with which Phillips and Sanders are charged. Obviously, the 115 individuals who serve as Missouri sheriffs and the 115 individuals who serve as Missouri prosecutors are readily identifiable. *See, e.g.*, the listings and information contained in <http://www.ago.state.mo.us/proscutr.htm> and in <http://www.ago.state.mo.us/sheriffs.htm>. In the absence of defendant classes, plaintiffs would have to name individually each prosecutor and each sheriff as defendants, each of whom would have his or her own counsel, which would soon render the case virtually unmanageable.

This Court should conclude that the three proposed classes are sufficiently numerous as to warrant certification.

B. Questions of Law and Fact Common to the Class

Rule 52.08(a)(2) requires that there be common questions of law or fact among the members of the class. *Clark*, 106 S.W.3d at 486. However, the Rule does not require that all

²<http://www.naco.org/counties/counties/state.cfm?state=mo>.

³<http://www.ago.state.mo.us/sheriffs.htm>.

⁴<http://www.ago.state.mo.us/proscutr.htm>.

questions of fact and law be shared commonly or that every question of law or fact be common to every member of the class. *Paxton*, 688 F.2d at 561 (citing *Mosley v. General Motors Corp.*, 497 F.2d 1330, 1334 (8th Cir. 1974); *Like v. Carter*, 448 F.2d 798, 802 (8th Cir. 1971), *cert. denied*, 405 U.S. 1045 (1972)). Rather, courts demand only that a question of law or fact be presented which is shared in the grievances of the prospective class as defined. *Wilcox v. Petit*, 117 F.R.D. 314, 317 (D. Me. 1987), *aff'd*, 864 F.2d 915 (1st Cir. 1988) (citing *Weiss v. York Hospital*, 745 F.2d 786, 808-09 (3d Cir.1984), *cert. denied*, 470 U.S. 1060 (1985); 3B MOORE'S FEDERAL PRACTICE ¶ 23.06-1 (2d ed.1987)); *see also Ralph*, 835 S.W.2d at 524 (where only common question of law was resolved in another suit and remaining fact questions were specific to each claimant, no abuse of discretion in refusal to allow case to proceed as a class action). The commonality requirement may be satisfied, for example, "where the question of law linking the class members is substantially related to the resolution of the litigation even though the individuals are not identically situated." *American Finance Sys., Inc. v. Harlow*, 65 F.R.D. 94, 107 (D. Md. 1974).

There are questions of law and fact common to the proposed Doe Class as well as to the proposed MCP and MCS classes. With specific regard to the Doe Class, all sex offenders to whom SORA applies share the question of law whether SORA violates due process and equal protection guarantees of the state constitution. Those currently required to register under SORA share the questions of law with respect to whether SORA violates, *ex post facto*, and retrospective law prohibitions of the Missouri constitutions. Additionally, members of the class share the question of whether application and enforcement of SORA violates the right to jury trial afforded by the state constitution or the state constitutional

prohibitions against bills of attainder and special laws.

There are questions of law common to the MCP and MCS Classes. Essentially, they are the same questions of law that are common to members of the proposed Doe Class, but are phrased in terms of whether conduct required of Missouri prosecutors and sheriffs under SORA violates the state due process or equal protection rights of those to whom SORA applies, whether that required conduct violates state prohibitions against *ex post facto* laws or Missouri's prohibition against retrospective laws, or denies the right to trial by jury guaranteed by the state constitution. Additionally, the suit inquires whether conduct required of Missouri prosecutors and sheriffs under SORA violates state constitutional prohibitions against bills of attainder or special laws.

There are also common questions of fact applicable to the Doe Class. As is the case with Jane Does I and II and John Does I-VI, all current and future convicted sex offenders are, by the terms of the statute, required to register with the sheriff of the county in which they reside. PETITION at ¶¶ 5, 8, 20-22. As is the case with Jane Does I and II and John Does I-VI, each member of the Doe Class would be subject to prosecution for failure to comply with SORA's registration requirements. *Id.* As with Jane Does I and II and John Does I-VI, if required to register, each member of the Doe Class would be stigmatized as a presently dangerous sex offender, irrespective of whether that was or was not true, and because the registration information can be disseminated worldwide, would be subjected to loss of good name and reputation, harassment, humiliation, embarrassment, inconvenience, mental suffering, and anguish. PETITION at ¶¶ 54.

C. The Claims and Defenses of the Representative Parties Are Typical of the Claims and Defenses of the Class

Rule 52.08(a)(3) requires the claims of the representative party to be typical of the claims of the class. A class representative “must be part of the class and possess the same interest and suffer the same injury as the class members.” *Koger v. Hartford Life Ins. Co.*, 28 S.W.3d 405, 410 (Mo.App. W.D. 2000) (citing *Harris v. Union Elec. Co.*, 766 S.W.2d 80, 86 (Mo. banc 1989) (quoting *East Texas Motor Freight System, Inc. v. Rodriguez*, 431 U.S. 395, 403 (1977)). The “typicality” requirement is generally considered to be satisfied “if the claims or defenses of the representatives and the members of the class stem from a single event or are based on the same legal or remedial theory.” *Paxton*, 688 F.2d at 561-62 (citing C. WRIGHT & A. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1764 at n.21.1 (Supp. 1982)). The typicality requirement as customarily applied tends to merge with “commonality.” *General Tel. Co. of Southwest v. Falcon*, 457 U.S. 147, 157 n.13 (1982). But both the Eighth Circuit and Missouri courts have given typicality “an independent meaning” by holding that Rule 23(a)(3) “requires a demonstration that there are other members of the class who have the same or similar grievances as the plaintiff.” *Paxton*, 688 F.2d at 562 (citing *Donaldson v. Pillsbury Co.*, 554 F.2d 825, 830 (8th Cir.), cert. denied, 434 U.S. 856 (1977); *Wright v. Stone Container Corp.*, 524 F.2d 1058, 1062 (8th Cir. 1975); *White v. Gates Rubber Co.*, 53 F.R.D. 412, 415 (D.Colo. 1971)); *Koger*, 28 S.W.3d at 410 (citing *Harris*, 766 S.W.2d at 86). The court must be shown that the representative is not alone in his or her dissatisfaction so as “to assure that there is in fact a class needing representation.” *White*, 53 F.R.D. at 415. Here, of course, the Court cannot help but be assured that there is a class of plaintiffs needing representation. Not one, but six John Does

and two Jane Does requested status as plaintiffs to raise claims on behalf of themselves and as class representatives.

The claims of Plaintiffs that SORA violates state due process, equal protection, open courts and jury trial rights as well as state prohibitions against *ex post facto* and retrospective or retroactive laws, special laws, and bills of attainder, are typical of the claims that would be held by members of the Doe Class. As in *Paxton*, the claims of the putative Doe Class rest on the same legal theories as those of Plaintiffs. Similarly, the defenses of Defendant Phillips and Defendant Sanders are typical of those which would be raised by members of the MCS and MCP Classes, respectively, and rest on the same legal theories. The typicality requirement as to all three proposed classes is readily met.

D. The Representative Parties Will Fairly and Adequately Protect the Interests of the Class

The fourth and final prerequisite is the ability of the named representatives to “fairly and adequately protect the interests of the class.” Rule 52.08; *Clark*, 106 F.3d at 486. The adequacy of a representative class must be determined under the factual circumstances of each case. *City of O’Fallon v. Bethman*, 569 S.W.2d 295, 299 (Mo.App. 1978) (citing *City of St. Ann v. Buschard*, 299 S.W.2d 546, 554 (Mo.App. 1957)). Although many factors may be considered in making such a determination, the primary consideration, is that all diversified class interests and points of view be represented and that those parties that are named represent a truly adverse interest so that issues are actually litigated without collusion. The rights of absent class members must be protected. *Id.*

Thus, the focus of Rule 52.08(a)(4) is whether: (1) the class representatives have common interests with the members of the class, and (2) whether the class representatives

will vigorously prosecute the interests of the class through qualified counsel. *Paxton*, 688 F.2d at 562-63. The named representatives fulfill both tests. There is no apparent conflict between the class representatives and the class members since all individual sex offenders who currently or who will in the future fall within the ambit of SORA's registration and enforcement requirements stand to gain by having their rights defended and observed if their challenge to SORA succeeds. Moreover, counsel for Plaintiffs are experienced and capable, and their efforts to date manifest their intention to prosecute the case vigorously. Thus, the plaintiffs have fulfilled the prerequisites set forth in Rule 52.08(a) for certification of the Doe Class.⁵

Similarly, the named representatives for the MCS and MCP Classes fulfill both tests. There is no apparent conflict between the class representatives and the class members since all sheriffs and prosecutors who have duties and obligations with respect to SORA's registration and enforcement requirements stand to gain by having the constitutionality of SORA resolved. Public officials have no interest in enforcing an unconstitutional law. Moreover, counsel for Defendants Phillips and Sanders is experienced and capable, and there is no reason to doubt that Phillips and Sanders will not defend the claims made against them and the MCS and MCP Classes. Thus, the Plaintiffs have fulfilled the prerequisites set forth in Rule 23(a) for certification of the MCS and MCP Classes.

⁵It is possible that discovery will result in additional information that will help further define subclasses within the Doe Class.

II. ADDITIONALLY, A CLASS ACTION IS APPROPRIATE UNDER RULE 52.08(b)

Even if an action satisfies the requirements of Rule 52.08(a), to be maintained as a class action, an action must also satisfy at least one of the three conditions set forth in Rule 52.08(b). *Clark*, 106 S.W.3d at 487; *Paxton*, 688 F.2d at 563 (“We must still inquire, however, whether that action is maintainable under *any* of the subdivisions of Rule 23(b).”) (emphasis added). Here, Plaintiffs seek certification of the action as a class action pursuant to Rule 52.08(b)(2). Alternatively, Plaintiffs maintain their action is maintainable as a class action pursuant to Rule 52.08(b)(1) or (b)(3).

A. A Class Action Is Appropriate Under Rule 52.08(b)(2)

Rule 52.08(b)(2) provides that an action may be maintained as a class action if, as here, the prerequisites of subdivision (a) are satisfied, and in addition, the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole. MO. R. CIV. P. 52.08(b)(2). Certification under subsection (b)(2) is appropriate where, as here, plaintiffs seek to enjoin application and/or enforcement of a statute. *Sweat v. City of Fort Smith, Arkansas*, 265 F.3d 692, 694-95 (8th Cir. 2001) (noting district court had certified class for purposes of injunctive and declaratory relief enjoining enforcement of unconstitutional ordinances in accord with Eighth Circuit’s directive).

Here, Defendants are “acting”, *i.e.*, implementing and enforcing SORA on the premise that the law is constitutional – grounds that are generally applicable to the class. Thus, injunctive and/or corresponding declaratory relief would be as appropriate as to the Doe Class as a whole as it is as to Plaintiffs. Because Defendants Phillips and Sanders and the

MCS and MCP Classes must all observe the requirements of and perform duties specified by SORA, the two proposed defendant classes are also appropriate. As with the Doe Class, injunctive and/or corresponding declaratory relief would be as appropriate to the MCS and MCP Classes as a whole as it is to Defendants Phillips and Sanders.

B. Alternatively, a Class Action Is Also Appropriate Under Rule 52.08(b)(1)

Alternatively, a class action as here proposed, with a plaintiff class and two defendant classes is appropriate under Rule 52.08(b)(1) because the prosecution of separate actions by or against individual members of the plaintiff and defendant classes would create a risk of inconsistent or varying adjudications with respect to individual members of both plaintiff and defendant classes. Although Plaintiffs maintain that SORA is unconstitutional as alleged, it is possible that courts in which separate actions pended could rule otherwise, resulting in inconsistent results for members of the class. Varying or inconsistent adjudications could establish inconsistent and/or incompatible standards of conduct for the Defendants. MO. R. CIV. P. 52.08(b)(1)(A). A class action is also appropriate here because separate actions would create a risk of adjudications with respect to individual members of the class which would as a practical matter be dispositive of the rights and interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their rights and interests. MO. R. CIV. P. 52.08(b)(1)(B).

C. Alternatively, a Class Action Is Also Appropriate Under Rule 52.08(b)(3)

Although Plaintiffs maintain that their class action is more properly certified under Rule 52.08(b)(2), nonetheless, a class action may also be appropriate under Rule 52.08(b)(3) because the Court will conclude that the questions of law or fact common to the members of

the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. MO. R. CIV. P. 52.08(b)(3). In this connection, Rule 52.08(b)(3) identifies four matters pertinent to determining whether questions of law or fact predominate over questions affecting only individual members. All weigh in favor of class certification.

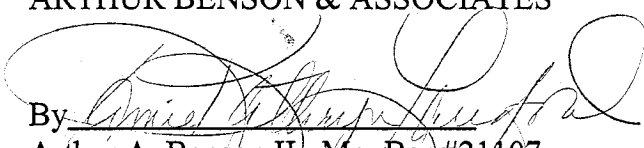
First, the interest of members of the class in individually controlling the prosecution or defense of separate actions is literally nonexistent in this action which primarily seeks injunctive and/or declaratory relief relating to the constitutionality, implementation, and enforcement of SORA. Second, the extent and nature of the litigation concerning the controversy already commenced by the Plaintiffs against Defendants Stottlemire, Phillips, and Sanders and against the MCS and MCP Classes leads to the conclusion that the questions of law and fact common to members of the Doe Class and the MCS and MCP Classes predominate over questions affecting only individual members. Third, it is in the interest of judicial economy to concentrate the litigation of the claims in this forum since the original litigation was commenced here and the Court is already familiar with the claims and defenses as well as the questions of law and fact presented by this litigation. Finally, while class action litigation presents case management concerns, again, judicial economy is furthered by a single class action as opposed to the thousands of individual cases which could be brought by members of the class. Any difficulties likely to be encountered in the management of a class action pale in comparison to the burden imposed on the judiciary should individual class members resort to filing separate actions to achieve the same aim which could be accomplished by the class action.

CONCLUSION

Plaintiffs should be allowed to maintain this action as a class action because they have met the requirements of MO. R. CIV. P. 52.08(a). They have also demonstrated that they meet the standard of Rule 52.08(b)(2). Alternatively, they meet the requirements of Rule 52.08(b)(1) and (3). Additionally, the Court should certify a plaintiff class and should allow Plaintiffs Jane Doe I and II John Does I-VI to proceed on behalf of themselves and as representatives of the proposed Plaintiff Class. Furthermore, the Court should certify a class of Missouri County Prosecutors to be represented by Defendant Sanders and a class of Missouri County Sheriffs to be represented by Defendant Phillips.

Respectfully submitted,

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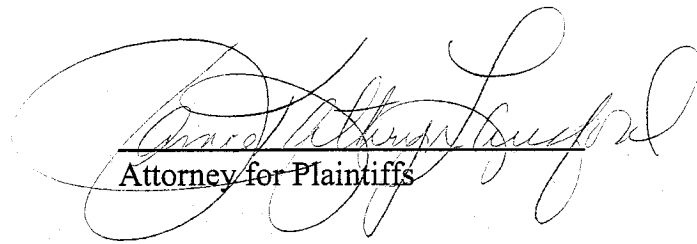
CERTIFICATE OF SERVICE

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