

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MARCUS BYNUM, et al.,

Plaintiffs,

v.

DISTRICT OF COLUMBIA,

Defendant.

Civil Action Number 02-956 (RCL)

FILED

MAR 31 2003

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

ORDER

For the reasons set forth in the Court's memorandum opinion issued this date, it is hereby
ORDERED that plaintiffs' non-consent motion for class certification [6-1] be, and hereby
is, GRANTED in part and DENIED in part. It is further

ORDERED that plaintiffs' non-consent motion for class certification [6-1] be, and hereby
is, GRANTED with respect to the component of plaintiffs' motion relating to the certification of
a class in this action. The Court hereby adopts the following two-part class definition: (a) Each
person who has been, is, or will be incarcerated in any District of Columbia Department of
Corrections facility in the three years preceding the filing of this action up to and until the date
this case is terminated; and (b) who was not released, or, in the future, will not be released by
midnight on the date on which the person is entitled to be released by court order or the date on
which the basis for his or her detention has otherwise expired. It is further

ORDERED that the class defined above be maintained as a class action pursuant to Rule
23(b)(2) of the Federal Rules of Civil Procedure as to the claims of the class members for

declaratory or injunctive relief, and that the class be maintained as a class action pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure as to the claims of the class members for monetary relief. It is further

ORDERED that Marcus Bynum, Kim Nabinette, Leroy S. Thomas, Dianne Johnson, Gloria Scarborough, and Julian Ford be, and hereby are, certified as the named representatives of the class defined above. It is further

ORDERED that William Claiborne and Lynn Cunningham shall serve as class counsel in this action. It is further

ORDERED that plaintiffs' non-consent motion for class certification [6-1] be, and hereby is, DENIED WITHOUT PREJUDICE with respect to the component of plaintiffs' motion relating to the certification of a subclass of the class defined above. It is further

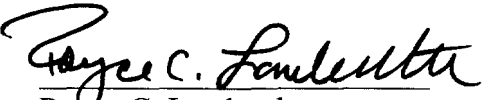
ORDERED that defendant's motion for further enlargement of time to oppose the strip search component of plaintiffs' motion for class certification [41-2] be, and hereby is, DENIED. It is further

ORDERED that defendant's motion for leave to file a supplemental memorandum in opposition to plaintiffs' motion to certify the "overdetention" class [64-1] be, and hereby is, GRANTED. It is further

ORDERED that within thirty (30) days of the date of this Order, the parties shall file an agreed-upon proposed order regarding class notification procedures; provided, however, that if the parties are unable to reach agreement on the terms of the proposed order, then within thirty (30) days of the date of this Order, plaintiff and defendant shall file separate proposed orders regarding class notification procedures.

SO ORDERED.

Date: 3-31-03


Royce C. Lamberth
United States District Judge