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2003 SEP -4 PM 2: 12

CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

FILED	CLERK, U.S. DISTRICT COURT
SEP 17 2003	
CENTRAL DISTRICT OF CALIFORNIA	
BY	DEPUTY

6 Attorneys for Plaintiffs,  
7 JUAN GAMINO, KATHY CONLEY AND ED FERREL  
8 individually and as class representatives

9 UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 JUAN GAMINO, individually and as class  
12 representative; KATHY CONLEY,  
13 individually and as class representative and ED  
14 FERREL, individually and as class  
15 representative

029785  
CASE NO. CV-01-05401 CBM (Ex)

STIPULATION AND ORDER TO  
CERTIFY CLASS

16 Plaintiffs,

17 v.

18 COUNTY OF VENTURA; VENTURA  
19 COUNTY SHERIFF BOB BROOKS,  
20 individually and as the sheriff;  
21 and DOES 1-200

22 Defendants.

Priority ☒  
Send ☒  
Enter ☐  
Closed ☐  
JS-5/JS-6 ☐  
JS-2/JS-3 ☐  
Scan Only ☐

23 IT IS HEREBY STIPULATED by and between the parties hereto through their  
24 respective attorneys of record that the above class action lawsuit be certified in accordance  
25 with Federal Rules of Civil Procedure 23 (a).

26 The parties agree that this action meets the four prerequisites of Rule 23(a).

27 1. **Numerosity:** the class is so numerous that joinder by all members individually is  
28 impracticable.

29 2. **Commonality:** the questions of law and fact are common to the class. There are  
30 issues common to the class as a whole and relief sought turns on questions of law applicable  
31 in the same manner to each member of the class.

SEP 22 2003

1 **Class Definition:** Any pretrial detainee in the Ventura County Jail for violation of Health  
2 and Safety Code Section 11550 so that, in accordance with the Ventura County Sheriff's  
3 Department's policy, such arrestee was subject to a visual-only unclothed body cavity  
4 examination. The statute of limitations is disputed.

5 **Strip Search Definition:** A visual unclothed body cavity search, performed by a deputy of  
6 the same sex and does not involve any touching of the person.

7 3. **Typicality:** the claims of the class representatives are typical of the claims of the class.

8 4. **Adequacy of Representation:** Both plaintiffs and defendants attorney of record are  
9 both qualified and competent. Counsel are experienced in the civil rights law and legal issues  
10 presented in this action.

11 In addition to the above requirements under Federal Rules of Civil Procedure 23(a), in  
12 accordance with Federal Rules of Civil Procedure 23(b)(3)- The questions of law or fact  
13 common to the class predominate over questions affecting the individual members therefore a  
14 class action is superior to other methods available for adjudicating the controversy.

15 It should be noted, nothing in the class certification stipulation in any way detracted  
16 from the pending appeal in the Way case - defendants reserve the right to make all arguments  
17 preserved in their appeal. By entering into this stipulation, Defendants do not concede the  
18 merits of plaintiffs' Constitutional argument.

19  
20 Dated: 8-25-03

Earnest C.S. Bell  
Earnest C.S. Bell,  
Attorney for Plaintiffs and the Class

22  
23 Dated: 8/25/03

Jeffrey Held  
Jeffrey Held  
Attorney for Defendants

24  
25 **ORDER**

26 The attached written stipulation between the parties for Class Certification is declared  
27 the order of the Court and ordered filed.

28 Dated: 9/17/03

Honorable Consuelo B. Marshall  
Honorable Consuelo B. Marshall

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8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 JUAN GAMINO, individually and as class  
11 representative; KATHY CONLEY,  
12 individually and as class representative and ED  
13 FERREL, individually and as class  
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18 COUNTY SHERIFF BOB BROOKS,  
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20 Defendants.

21 CASE NO. CV 01-05401 CBM (Ex)

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23 CERTIFY CLASS**

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**Class Definition:** Any pretrial detainee in the Ventura County Jail for violation of Health and Safety Code Section 11550 so that, in accordance with the Ventura County Sheriff's Department's policy, such arrestee was subject to a visual-only unclothed body cavity examination.

**Strip Search Definition:** A visual unclothed body cavity search, performed by a deputy of the same sex and does not involve any touching of the person.

3. **Typicality:** the claims of the class representatives are typical of the claims of the class.

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In addition to the above requirements under Federal Rules of Civil Procedure 23(a), in accordance with Federal Rules of Civil Procedure 23(b)(3)- The questions of law or fact common to the class predominate over questions affecting the individual members therefore a class action is superior to other methods available for adjudicating the controversy.

It should be noted, nothing in the class certification stipulation in any way detracted from the pending appeal in the Way case - defendants reserve the right to make all arguments preserved in their appeal. By entering into this stipulation, Defendants do not concede the merits of plaintiffs' Constitutional argument.

Dated: 8-25-03

Earnest C.S. Bell  
Earnest C.S. Bell,  
Attorney for Plaintiffs and the Class

Dated: \_\_\_\_\_

Jeffrey Held  
Jeffrey Held  
Attorney for Defendants

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Dated: \_\_\_\_\_

Honorable Consuelo B. Marshall