

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **SACV 09-1090-VBF (RNBx)**

Dated: **April 19, 2010**

Title: Manuel Vasquez, et al. -v- Tony Rackaukas, et al.

PRESENT: HONORABLE VALERIE BAKER FAIRBANK, UNITED STATES DISTRICT JUDGE

Rita Sanchez
Courtroom Deputy

Rosalyn Adams
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

Belinda E. Helzer
Jacob S. Kreilkamp

S. Frank Harrell
Wayne W. Winthers
Norman J. Watkins
Melissa D. Culp

PROCEEDINGS: MOTION FOR CLASS CERTIFICATION (DKT. #123)

Case called, and counsel make their appearance.

The Court on April 19, 2010 heard oral argument by the Parties relating to the Motion For Class Certification of Plaintiffs Manuel Vasquez, Miguel Bernal Lara, Gabriel Bastida, and Randy Bastida ("Plaintiffs") (dkt. #123). The Court referred to its Tentative Ruling dated April 8, 2010 (dkt. #133) and took the matter under submission.

After further consideration of the papers filed and counsels' oral arguments, the Court adopts its Tentative Ruling and GRANTS Plaintiffs' Motion For Class Certification, with modifications of the class definitions as proposed at the hearing and as further described below.

The Court hereby certifies a class with Plaintiffs Manuel Vasquez, Miguel Bernal Lara, and Gabriel Bastida as named representatives, defined as follows:

All persons named as individual defendants in *People v. Orange Varrio Cypress Criminal Street Gang, et al.*, Orange

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County Superior Court, 30-2009 00118739, dated February 17, 2009, who appeared in the Orange County Superior Court to defend themselves and were voluntarily dismissed by the Orange County District Attorney's office, and who did not have contempt proceedings pending against them arising out of the Order for Permanent Injunction against "Orange Varrio Cypress Criminal Street Gang" dated May 14, 2009, as of the date of the filing of this litigation - September 23, 2009.

The Court hereby certifies an additional class with Plaintiff Randy Bastida as the named representative, defined as follows:

All juveniles named as individual defendants in *People v. Orange Varrio Cypress Criminal Street Gang, et al.*, Orange County Superior Court, 30-2009 00118739, dated February 17, 2009, for whom no guardian ad litem was appointed, who were voluntarily dismissed by the Orange County District Attorney's office, and who did not have contempt proceedings pending against them arising out of the Order for Permanent Injunction against "Orange Varrio Cypress Criminal Street Gang" dated May 14, 2009, as of the date of the filing of this litigation - September 23, 2009.

Each class is certified for purposes of the claims described in Plaintiffs' Complaint (dkt. #1), namely the causes of action entitled: (1) "42 U.S.C. § 1983 - Procedural Due Process Under U.S. Const. Amend XIV"; and (2) "Procedural Due Process Under Cal. Const. art. I, § 7."

The Court hereby appoints as class counsel for each class the American Civil Liberties Union Foundation of Southern California, through its attorneys Belinda Escobosa Helzer, Hector O. Villagra, and Peter Bibring.

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