UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

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| MICHELLE TORRES, et al.<br><br>Plaintiffs,<br><br>vs.<br><br>W. DOUGLAS COLLINS, et al.<br><br>Defendants. | ) | 2:20-CV-00026-DCLC |

**ORDER**

Plaintiffs Michelle Torres, Amanda Cameron, Robbie Johnson-Loveday, and Bethany Edmond have filed a Renewed Motion for Class Certification under Federal Rule of Civil Procedure 23 [Doc. 87]. Defendants W. Douglas Collins, the General Sessions Judge for Hamblen County; Teresa West, the Clerk of Court; Katie West Moore, Nancy Phillips, Kathy Robertson, judicial commissioners; and Esco R. Jarnagin, the Sheriff for Hamblen County, all sued in their official capacities, have responded [Doc. 88]. Plaintiffs replied [Doc. 89]. Plaintiffs also filed a supplemental brief [Doc. 103] to which Defendants responded [Doc. 104]. This motion is now ripe for resolution.

## I. Factual and Procedural Background

Plaintiffs are individuals who were arrested for criminal offenses in Hamblen County, Tennessee and brought to local jail for booking. There, Plaintiffs claim, Defendants set a bond without any regard for Plaintiffs' individual ability to pay, their ties to the community, and other constitutionally relevant factors. This, Plaintiffs claim, results in a practice of requiring monetary conditions of release in the "vast majority of cases." [Doc. 1, ¶ 66]. Plaintiffs also claim that Defendants do not timely schedule them a hearing with counsel to address pretrial detention

issues.[1] [Doc. 1, ¶ 64, 66]. So, they remain incarcerated because they do not have the financial resources to make bond.

Plaintiffs argue that this process of setting bail and the resulting pretrial detention of indigent defendants "violate the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the U.S. Constitution, as well as the Sixth Amendment right to counsel." [Doc. 2, pg. 1]. On November 30, 2020, the Court granted Plaintiffs' Motion for Preliminary Injunction [Doc. 5], enjoining Defendant Esco Jarnagin, Sheriff of Hamblen,

> from detaining any criminal defendant arrested on an arrest warrant who, after having bail set in an *ex parte* fashion by the Defendants authorized by law to set bail for cases pending in Hamblen County general sessions court, is being detained without having had an individualized hearing within a reasonable period of time consistent with the Due Process Clause requirements as outlined in that Order.

[Doc. 90, pgs. 29-30].

Plaintiffs originally brought a motion to certify a class of similarly situated individuals [Doc. 2], which the Court denied without prejudice. The Court found that Plaintiffs' proposed class definition "does not meaningfully define the class and administratively provides no objective criteria" and directed Plaintiffs to refile their motion with an amended proposed class definition that addressed the Court's concerns [Doc. 86, pg. 4]. Plaintiffs refiled their renewed Motion for Class Certification with an updated proposed class definition. Plaintiffs "incorporate by reference the arguments and exhibits in their briefs in support of their previous motion." [Doc. 87, ¶ 10]. Defendants oppose this motion, arguing that Plaintiffs' new proposed class still fails to satisfy the requirements of Federal Rules of Civil Procedure 23(a) and 23(b)(2) [Doc. 88, pg. 2].

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[1] Once arrested, the defendant awaits his initial appearance before either a judicial commissioner or the general sessions judge. This proceeding occurs every Monday, Wednesday, and Friday [Doc. 1, ¶ 68]. At that time, the defendant may request court-appointed counsel [Doc. 1, ¶ 70]. After the initial appearance, a preliminary hearing is schedule within 14 days.

## II. Analysis

### A. Proposed Class Definition

The Court must first address Plaintiff's new proposed class definition. "Before a court may certify a class pursuant to Rule 23, the class definition must be sufficiently definite so that it is administratively feasible for the court to determine whether a particular individual is a member of the proposed class." *Young v. Nationwide Mut. Ins. Co.*, 693 F.3d 532, 537–38 (6th Cir. 2012). Plaintiffs propose to include the following individuals in the class:

> All people who are or will be arrested and charged with criminal offenses in Hamblen County General Sessions Court; and who (1) have or will have conditions of release set by Defendants that include an amount of monetary bail and/or otherwise require payment of a sum of money prior to release; (2) are or will be unable to afford to pay the amount of money required for their release; and (3) because of nonpayment, are or will be detained in the Hamblen County Jail on a bail order issued by the Hamblen County General Sessions Court.

[Doc. 103, pgs. 2-3].[2] As with the preliminary injunction, a key consideration for class membership is the failure to receive an individualized bond hearing within a reasonable time after their arrest. If an arrestee received an individualized hearing within a reasonable time, then the individual should not be included in the class. Plaintiffs' proposed definition does not address that concern.

The Court has "broad discretion to modify class definitions." *Powers v. Hamilton County Pub. Def. Commn.*, 501 F.3d 592, 619 (6th Cir. 2007) (citing as examples *Schorsch v. Hewlett–Packard Co.*, 417 F.3d 748, 750 (7th Cir. 2005) (noting that "[l]itigants and judges regularly

[2] Plaintiffs proposed this amended definition in their supplemental brief, removing the exception of those individuals who "have not been bound over to Hamblen County Criminal Court." *See* [Doc. 87, pg. 3]. While Plaintiffs argue that as the Court's preliminary injunction enjoins Sheriff Jarnagin from detaining "any criminal defendant arrested on an arrest warrant," the preliminary injunction specifically excepts criminal defendants "who are detained as a result of an indictment." [Doc. 90, pg. 29].

modify class definitions"); *In re Monumental Life Ins. Co.*, 365 F.3d 408, 414 (5th Cir. 2004) ("District courts are permitted to limit or modify class definitions to provide the necessary precision.")). The Court is obligated "to make appropriate adjustments to the class definition as the litigation progress[es]." *Powers*, 501 F.3d at 619. The Court finds modification of the class definition is necessary in light of the preliminary injunction order. The proposed class definition shall be defined as follows:

> All individuals arrested on an arrest warrant out of Hamblen County General Sessions Court (save for capital offenses) (1) who are, or will be, in the custody of the Hamblen County Sheriff, Esco Jarnagin; (2) whose bail amount was set in an *ex parte* fashion by the Defendants authorized by law to set bail for cases pending in Hamblen County general sessions court; (3) who have not waived and have not received an individualized hearing within a reasonable period of time; and (4) who remain in custody for any amount of time.

This definition provides objective criteria for determining the members of the class.

**B. Rule 23(a)**

Plaintiffs assert that class certification is appropriate as "the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed.R.Civ.P. 23(b)(2). Federal Rule of Civil Procedure 23 provides the following:

> One or more members of a class may sue or be sued as representative parties on behalf of all members only if:
> (1) The class is so numerous that joinder of all members is impracticable;
> (2) There are questions of law or fact common to the class;
> (3) The claims or defenses of the representative parties are typical of the claims or defenses of the class; and
> (4) The representative parties will fairly and adequately protect the interests of the class.

Fed.R.Civ.P. 23(a). If the Court finds that those prerequisites have been met, the plaintiff must then prove that the class would fall into one of the categories listed in Fed.R.Civ.P. 23(b). *See In re American Medical Systems, Inc.*, 75 F.3d 1069, 1079 (6th Cir. 1996).

"The Supreme Court has required district courts to conduct a 'rigorous analysis' into whether the prerequisites of Rule 23 are met before certifying a class." *In re American Medical Systems, Inc.*, 75 F.3d at 1078-79 (citing *General Tel. Co. v. Falcon*, 457 U.S. 147, 161 (1982)). The party seeking class certification bears the burden of providing "adequate statement[s] of the basic facts to indicate that each requirement of the rule is fulfilled." *Weathers v. Peters Realty Corp.*, 499 F.2d 1197, 1200 (6th Cir. 1974); *In re American Medical Systems, Inc.*, 75 F.3d at 1079. "Merits questions may be considered to the extent—but only to the extent—that they are relevant to determining whether the Rule 23 prerequisites for class certification are satisfied." *Amgen Inc. v. Connecticut Retirement Plans and Trust Funds*, 568 U.S. 455, 466 (2013); *see also* Advisory Committee's 2003 Note on subd. (c)(1) of Fed. Rule Civ. Proc. 23, 28 U.S.C.App., p. 144 ("[A]n evaluation of the probable outcome on the merits is not properly part of the certification decision.").

**i. Numerosity**

"The first subdivision of Rule 23(a)(1) requires that the class be 'so numerous that joinder of all members is impracticable.'" *In re Medical Systems, Inc.*, 75 F.3d at 1079 (quoting Fed.R.Civ.P. 23(a)(1)). Instead of imposing a strict numerical test, "[t]he numerosity requirement requires examination of the specific facts of each case and imposes no absolute limitations." *General Tel. Co. v. EEOC,* 446 U.S. 318, 330 (1980). While a "sheer number of potential litigants in a class…can be the only factor needed to satisfy Rule 23(a)(1)," *Bacon v. Honda of America Mfg., Inc.*, 370 F3d 565, 570 (6th Cir. 2004), courts have upheld certification of a class of as few as sixteen individuals. *Senter v. General Motors Corp.*, 532 F.2d 511, 523 (6th Cir. 1976) (affirming that it would be reasonable to infer that a class of black employees who were denied an opportunity for promotion during a six-year period would be "includable in the class

eligible for relief on the basis of Appellant's action and that their joinder would be impracticable"); *Afro Am. Patrolmen's League v. Duck*, 503 F.2d 294, 298 (6th Cir. 1974) (affirming a class of "no more than 35 minority group members who were eligible to take the most recent examination for line sergeant or the 17 members of that group who actually took the examination").

Plaintiffs argue that based on the number of people detained on a daily basis in the Hamblen County Jail and the percentage of those people who remained on pretrial detention, the class is so numerous as to satisfy the first requirement [Doc. 3, pg. 8]. They rely on a Tennessee Department of Correction's report from December 2019 which shows that at that time, 384 people were detained in the Hamblen County Jail and that 52.6% of those people were incarcerated pretrial [Doc. 3, pg. 8] (citing Tenn. Dep't of Corr., *Tennessee Jail Summary Report* 1 (2019), https://www.tn.gov/content/dam/tn/correction/documents/JailDecember2019.pdf). Plaintiffs also argue that this class continues to grow with an "indeterminate future stream of class members who will suffer the same injury…" [Doc. 3, pg. 8]. Defendants claim Plaintiffs have misinterpreted that report. They argue the report only shows data for one singular day and that "Plaintiffs have presented no evidence that the inmates…were incarcerated at that time 'solely' because they 'could not afford to pay' their bail." [Doc. 88, pg. 6] (citing [Doc. 3, pgs. 7-10]).

The Court does not have to find a specific number of potential class members from the evidence provided, only that the number of potential class members is large enough to make joinder impractical. The Court "may consider reasonable inferences drawn from facts before [it] at that stage of the proceedings." *Young v. Nationwide Mut. Ins. Co.*, 693 F.3d 532, 541 (6th Cir. 2012) (quoting *Senter*, 532 F.2d at 523). Plaintiffs also provided a summary of the Tennessee Jail Summary Reports from January 2018 through December 2019 [Doc. 70, pg. 24]. This shows an average of 421 inmates in the jail at a given time, with an average of 48.33% of those detained

pretrial, which comes to approximately 202 inmates detained pretrial. Defendants provide data from the Jail Summary Reports for March 2020 through August 2020. *See* [Doc. 88, pgs. 5-6]. They state that the reports for these months show fewer individuals detained pretrial than the reports Plaintiffs rely on. The six-month average for those months indicates 111 individuals detained pretrial.

Defendants agree that "[m]oney bail is a condition of release for the majority of arrestees in Hamblen County." [Doc. 78-1, Joint Stipulations, ¶ 5]. They also agree that "[a]t the time bail is set on an arrest warrant, the bail-setter typically does not have information about the arrestee's employment status, financial condition, family ties and relationships, or members of the community who might vouch for the arrestee, unless the bail-setter has past personal knowledge or experience with the arrestee," i.e. that the bail setter cannot and does not typically make an individualized assessment as required under Tennessee law [Doc. 78-1, ¶ 11].

Plaintiff also presents affidavits from the named Plaintiffs as well as other individuals who were detained in the Hamblen County Jail indicating that they were not given an individualized bail hearing and were "detained solely because they cannot afford the money bail amount necessary for their release." [Doc. 70, pg. 10; Doc. 26-2, ¶¶ 5-7; Doc. 26-3, ¶¶ 7-11; Doc. 26-4, ¶¶ 5-7; Doc. 26-5, ¶¶ 5-8, Doc. 26-8, ¶¶ 5-10, Doc. 26-9, ¶¶ 4-10]. Plaintiffs also include an affidavit from Assistant Public Defendant Ethel Rhodes, who avers that "Public Defender clients are routinely detained in Hamblen County because they are unable to afford the amount of money bail required as a condition of release. Those who cannot afford to pay usually wait in jail until their case is resolved." [Doc. 26-7, ¶ 5]. Further, "people are provided no opportunity to argue for bail modification during [their initial appearance]." [Doc. 26-7, ¶ 7].

The Court does not have to find that all of those individuals would fall into the proposed class, only that the number of individuals that do would be too large to join under Fed.R.Civ.P. 20. Based on the evidence before the Court, a significant percentage of inmates will fall within the class definition.[3] Because it would be impractical to join each arrestee individually under Fed.R.Civ.P. 20, the Court finds that Plaintiffs have met the numerosity requirement.

**ii. Commonality**

"Rule 23(a)(2) requires plaintiffs to prove that there are questions of fact or law common to the class…." *Young*, 693 F.3d at 542. "To demonstrate commonality, the plaintiffs' claims must depend on a common contention ... of such a nature that it is capable of classwide resolution—which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke." *Id*. (quoting *Wal-Mart Store, Inc. v. Dukes*, 564 U.S. 338, 350 (2011)). The class does not need to have every question of fact or law in common: "even a single common question will do." *Dukes*, 564 U.S. at 359 (quoting Richard A. Nagareda, *The Preexistence Principle and the Structure of the Class Action*, 103 Colum.L.Rev. 149, 1176, n. 110 (2003)) (internal quotation marks omitted).

Plaintiffs provide various issues of law and fact that they assert prove commonality. *See* [Doc. 3, pgs. 11-12]. In sum, all the members of the proposed class are subject to Defendants' policy of setting bond without any individualized hearing. This suggests that a common answer, i.e. an individualized hearing, would be the same for all proposed class members. *See Dukes*, 564 U.S. at 350.

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[3] Plaintiffs also argue that people are arrested every day, implying that additional people will be detained in the Hamblen County jail without any individualized hearing. *See Walker v. City of Calhoun, Georgia*, No. 4:15-CV-170-HLM, 2016 WL 361580, at *6 (N.D. Ga. Jan. 28, 2016) ("Further, there is a future stream of class members who would suffer the same injury absent injunctive relief.").

Defendants argue that "an individual can be both unable to afford to pay the amount of money required for their release *and* unwilling to pay that amount. Further, it is unclear what being 'unable to afford to pay' means, along with who will make this determination and when." [Doc. 88, pg. 9] (emphasis in original). As a result, Defendants posit that the class does not share a common issue. However, the Court has specifically addressed this concern in its preliminary injunction and its class definition, limiting the class to only those arrestees who have not received an individualized bond hearing. Here, the common question of law and fact surrounds Defendants' practice and policy of setting bond.

Plaintiffs also present an additional common question of law: "Whether setting of pretrial release conditions without affording an individual counsel violates the Sixth Amendment and the Fourteenth Amendment's Due Process Clause." [Doc. 3, pg. 12]. Defendants respond that "now that Public Defenders are often present when they are appointed new clients during initial appearances, they are able to make timely motions for bail reductions, which in large part addresses the arguments advanced by the Plaintiffs in this lawsuit." [Doc. 88, pg. 9]. However, regardless of whether that is true, Plaintiffs only need to present one common issue of fact or law, which they have done.

In *Caliste v. Cantrell*, the Court found that "[c]ommonality is satisfied because the claims of each class member rest on common fact questions surrounding Defendant's policies and practices of setting bail in state criminal cases. Further, the claims share a common question of law: whether these policies and practices violate the Fourteenth Amendment's Due Process and Equal Protection clauses." No. 17-6197, 2018 WL 1365809, *2 (E.D. La. Mar. 16, 2018). Similarly, in *Buffin v. City and County of San Francisco*, "[t]he Court [found] that plaintiffs have demonstrated sufficient commonality to satisfy Rule 23(a)(2) because the resolution of one

question, that is, whether the Sheriff's use of the Bail Schedule prior to arraignment violates the Equal Protection or Due Process clauses of the Fourteenth Amendment, will resolve "in one stroke" all class members' claims." No. 15-cv-04959-YGR, 2018 WL 1070892, *4 (N.D. Cal. Feb. 26, 2018). Determining whether Defendants' policy of setting bail without an individualized hearing is constitutional will resolve the class members' claims. *See also Daves v. Dallas County, Texas*, No. 3:18-CV-0154-N, 2018 WL 4537202, at *2 (N.D. Tex. Sept. 20, 2018) (finding a common issue of law in whether or not the alleged procedures that apply to all arrestees and result in unaffordable bail deprive the proposed class members of constitutionally required process); *Walker v. City of Calhoun, Georgia*, No. 4:15-CV-170-HLM, 2016 WL 361580, *6 (N.D. Ga. Jan. 28, 2016) ("The factual and legal questions surrounding Defendant's policies and practices, whether under the previous bail policy or under the new Standing Order, present questions that are common to the entire class.).

The Court finds Plaintiffs have satisfied the commonality requirement.

**iii. Typicality**

"Rule 23(a)(3) requires proof that plaintiffs' claims are typical of the class members' claims." *Young*, 693 F.3d at 542. "A necessary consequence of the typicality requirement is that the representative's interests will be aligned with those of the represented group, and in pursuing his own claims, the named plaintiff will also advance the interests of the class members." *Sprague v. General Motors*, 133 F.3d 388, 399 (6th Cir. 1998) (quoting *In re American Medical Systems, Inc.*, 75 F.3d at 1082). "The premise of the typicality requirement is simply stated: as goes the claim of the named plaintiff, so go the claims of the class." *Sprague*, 133 F.3d at 399.

Plaintiffs argue that "the named Plaintiffs are injured in the same way as the other class members: they each challenge *de facto* pretrial detention orders made without the substantive

findings and procedural safeguards that the U.S. Constitution requires." [Doc. 3, pg. 13]. They argue that the named Plaintiffs will advance legal theories that are beneficial to the class as a whole as to the constitutionality of Defendants' practices. Defendants argue that Plaintiffs do not differentiate between those who cannot pay and those who simply choose not to pay. However, again, this concern is resolved by the Court's modification of the class definition.

Plaintiffs' claims are typical of the class. The Court in *Daves* best summarized this assessment.

> The Plaintiffs are not challenging individual bail determinations. If they were, each claim would be unique, and satisfying the typicality requirement would be a tall order.…The constitutional challenges brought by Plaintiffs against these procedures are the same challenges that any member of the class would bring. The Court thus finds that the proposed class meets the typicality requirement under Rule 23(a)(3).

*Daves*, 2018 WL 4537202, at *2. In *Booth v. Galveston County*, the Court also found that the class members suffered the same constitutional violations as are alleged here: "having bail set at a closed door hearing pursuant to a bail schedule with no representation by counsel and no individualized inquiry into their ability to pay, flight risk, or dangerousness." No. 3:18-CV-00104, 2019 WL 1129492, *5 (S.D. Tex. Mar. 12, 2019). Plaintiffs have satisfied the typicality requirement.

**iv. Adequacy of Representation**

"The adequacy inquiry under Rule 23(a)(4) serves to uncover conflicts of interest between named parties and the class they seek to represent. A class representative must be part of the class and possess the same interest and suffer the same injury as the class members." *Amchem Prod., Inc. v. Windsor*, 521 U.S. 591, 625-26 (1997). The Court shall consider whether "1) the representative must have common interests with unnamed members of the class, and 2) it must appear that the representatives will vigorously prosecute the interests of the class through qualified counsel." *In re American Medical Systems, Inc.,* 75 F.3d at 1083.

Defendants make the same argument that Plaintiffs are not similar to the proposed class and therefore cannot adequately represent the class.[4] They also argue Plaintiffs are not entitled to relief under the Fourteenth and Sixth Amendment. But merit arguments are limited to determining whether the Rule 23 prerequisites for class certification have been met. The Court has found that they have. *See Amgen Inc. v. Connecticut Ret. Plans & Tr. Funds,* 568 U.S. 455, 466 (2013) (citations omitted)

Plaintiffs are adequate class representatives.

**C. Rule 23(b)(2)**

Rule 23(b) provides that a class action may be maintained if Rule 23(a) is satisfied and the class falls within one of three types of class actions identified in Rule 23(b)(1)-(3). Plaintiff argue this class falls within Rule 23(b)(2), which provides "the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed.R.Civ.P. 23(b)(2). "The key to the (b)(2) class is the indivisible nature of the injunctive or declaratory remedy warranted—the notion that the conduct is such that it can be enjoined or declared unlawful only as to all of the class members or as to none of them." *Dukes*, 564 U.S. at 360 (quoting Richard A. Nagareda, *Class Certification in the Age of Aggregate Proof*, 84 N.Y.U. L. Rev. 97, 132 (2009)) (internal quotation marks omitted). "In other words, Rule 23(b)(2) applies only when a single injunction or declaratory judgment would provide relief to each member of the class." *Dukes*, 564 U.S. at 360. "Rule 23(b)(2) certification is particularly appropriate where, as here, a plaintiff seeks

[4] "The Plaintiffs cannot adequately represent those who are indigent or who are 'unable to afford to pay' their bail, but who do not challenge their detention and/or refuse to make bail, even with help from family, friends, or a third party organization like the Robert F. Kennedy Human Rights organization, which paid each of Plaintiffs' secured bails in full, in cash." [Doc. 88, pg. 12].

affirmative changes in government practices through injunctive or declaratory relief." *Walker*, 2016 WL 361580, at *9 (citing *Jackson v. Foley*, 156 F.R.D. 538, 544 (E.D.N.Y. July 7, 1994)); *see also Senter*, 532 F.2d at 525-26 (citing 39 F.R.D. 69, 102 (1966) ("Illustrative are various actions in the civil-rights field where a party is charged with discriminating unlawfully against a class, usually one whose members are incapable of specific enumeration.")).

In this case, Plaintiffs challenge Defendants practice and procedure of setting bail and seeks only declaratory and injunctive relief in finding Defendants' practices unconstitutional and enjoining Defendants from continuing such practices. The relief is the same for all proposed class members: Defendants would not be allowed to detain individuals on a money bond without an individualized hearing which considers, among other things, the arrestee's ability to pay. "Relief in the form of reformed procedures is relief for every class member." *Daves*, 2018 WL 4537202, at *2. The Court finds that Plaintiffs have satisfied the Rule 23(b)(2) standard. *See Caliste*, 2018 WL 1365809, at *2 ("Finally, the Plaintiffs request only declaratory relief for the entire class. Therefore, they have satisfied the Rule 23(b)(2) standard."); *Booth*, 2019 WL 1129492, at *7 ("The injunctive and declaratory relief sought by Booth in this case, if granted, would declare the current pretrial detention system in Galveston County unconstitutional and provide relief to every member of the class.").

**D. Class Counsel**

Under Fed.R.Civ.P. 23(g)(1), the Court must appoint class counsel. Defendants do not contend that Plaintiffs' counsel are unqualified to be appointed class counsel. "It is clear from the plaintiffs' filings that their counsel have expended more than a minimal amount of time and resources researching their clients' allegations." *ODonnell v. Harris Cty., Texas*, No. CV H-16-1414, 2017 1542457 (S.D. Tex. Apr. 28, 2017) (quoting *Gross v. United States*, 106 Fed. Cl. 369

(2012) (applying a rule analogous to 23(g)(1)(A)). In consideration of the factors set out in Fed.R.Civ.P. 23(g)(1)(A), the Court finds Plaintiffs' counsel will "fairly and adequately represent the interests of the class." Fed.R.Civ.P. 23(g)(1)(B).

## III. Conclusion

For the reasons stated above, Plaintiffs' Revised Motion for Class Certification [Doc. 87] is **GRANTED**. This case may be maintained as a class action under Rule 23(b)(2) of the Federal Rules of Civil Procedure. Accordingly, it is ordered as follows:

1. The following class is **CERTIFIED**: All individuals arrested on an arrest warrant out of Hamblen County General Sessions Court (save for capital offenses) (1) who are, or will be, in the custody of the Hamblen County Sheriff, Esco Jarnagin; (2) whose bail amount was set in an *ex parte* fashion by the Defendants authorized by law to set bail for cases pending in Hamblen County general sessions court; (3) who have not waived and have not received an individualized bail hearing within a reasonable period of time; and (4) who remain in custody for any amount of time;
2. Named Plaintiffs Michelle Torres, Robbie Johnson-Loveday, Amanda Cameron, and Bethany Edmond are **DESIGNATED** as class representatives; and
3. Attorneys Ellora Thadaney Israni, Jonathan Backer, Mary McCord, Matthew G. White, Seth Daniel Tychsen Wayne, Tara Mikkilineni, and George T. Lewis, III are **DESIGNATED** as class counsel.

SO ORDERED:

s/ Clifton L. Corker
United States District Judge