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DAVID RIKER, ROGER LIBBY, RICKY SECHREST)
TERRENCE BROTHERS, JEFFREY HOSMER, MARK)
WHITTINGTON on their own behalf and on behalf of)
those similarly situated,)

Plaintiffs,)

v.)

) Docket #: 3:08-CV-115-ECR-VPC
)
) **PLAINTIFFS' MOTION FOR**
) **CLASS CERTIFICATION**
)
)
)

1 JAMES GIBBONS, Governor of Nevada; ROSS MILLER,)
2 Secretary of State of Nevada; CATHERINE CORTEZ)
3 MASTO, Attorney General of Nevada;)
4 HOWARD SKOLNIK, Director, Nevada Department)
5 of Corrections; ROBERT BANNISTER, Medical Director,)
6 Nevada Department of Corrections; and)
7 E. K. MCDANIEL, Warden, Ely State Prison,)
8 Defendants.)

8 Plaintiffs David Riker, Roger Libby, Ricky Sechrest, Terrence Brothers, Jeffrey Hosmer, and
9 Mark Whittington by and through their attorneys, hereby respectfully move the Court for an order
10 certifying this proceeding as a class action pursuant to Rule 23(a) and 23(b)(2) of the Federal Rules
11 of Civil Procedure. The proposed class, on whose behalf the representative Plaintiffs named in the
12 Complaint bring constitutional claims, is defined as follows: “all prisoners who are now or in future
13 will be in the custody of the Nevada Department of Corrections at Ely State Prison, Ely, Nevada.”

15 Plaintiffs also request an order appointing the undersigned counsel to represent the certified
16 class, pursuant to Rule 23(g) of the aforementioned rules.

17 In support of the motion, Plaintiffs submit the attached Memorandum of Points and
18 Authorities.

19 Dated: March _11___, 2008

21 Respectfully submitted,

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Margaret Winter (*pro hac vice* pending)
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Counsel for Plaintiffs

¹ Attorneys Fettig, Winter and Hanlon will comply with LR IA 10-2 within 45 days of the date the Complaint was filed in this action.

1 Certificate of Service

2 Pursuant to Fed. Rule of Civ. Proc. 5(b), I hereby certify that on March 11, 2008, I
3 electronically filed the following documents in the above-entitled action with the Clerk of the Court
4 using the CM/ECF system:

- 5 **1. Plaintiffs' Motion for Class Certification**
6 **2. Plaintiffs' Memorandum of Law in Support of Motion for Class Certification**

7
8 I also hereby certify that on this 11th Day of March, 2008, I served, via mailing, first class
9 postage prepaid, at Reno, NV, a copy of the **Plaintiffs' Motion for Class Certification and**
10 **Memorandum of Law in Support of Motion for Class Certification**, to the following individuals:

11 Governor James Gibbons
12 c/o The Office of the Attorney General
13 100 North Carson Street
14 Carson City, Nevada 89701-4714

15 Ross Miller
16 Secretary of State
17 Main Office - Capitol Building
18 101 North Carson Street, Suite 3
19 Carson City, NV 89701-3714

20 Catherine Cortez Masto
21 Attorney General
22 100 North Carson Street
23 Carson City, Nevada 89701-4714

24 Howard Skolnik, Director
25 Nevada Department of Corrections
26 Central Administration, Stewart Facility
27 5500 Snyder Avenue, Bldg. 17
28 Carson City, Nevada 89701

Robert Bannister

1 Medical Director
2 Nevada Department of Corrections
3 5500 Snyder Avenue
4 Carson City, Nevada 89701
5 E.K. McDaniel
6 c/o Nevada Department of Corrections
7 Central Administration, Stewart Facility
8 5500 Snyder Avenue, Bldg. 17
9 Carson City, Nevada 89701

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11 Respectfully Submitted,

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