

ALJ improperly assessed his abilities with respect to daily activities. As a result, he says, her conclusion that he could still perform light work in spite of his impairments is not supported by substantial evidence.

[5] We agree with Reinaas that the ALJ did not properly assesses the intensity and limiting effects of Reinaas's subjective symptoms. *See* 20 C.F.R. § 404.1529; SSR 16-3P, 2017 WL 5180304 (Oct. 25, 2017). First, the ALJ ignored the connection between his migraines and his substantial history of spinal problems and surgeries—which could reasonably be expected to produce disabling migraine-like headaches. *See id.* at § 404.1529; *Villano v. Astrue*, 556 F.3d 558, 562 (7th Cir. 2009). The ALJ only briefly acknowledged Reinaas's spinal injury and his neck fusion surgery, and she scarcely addressed the previous diagnoses of cervicogenic headaches. And she did not credit Dr. Bodeau's April 2014 opinion, which corroborates the testimony at hearing.

[6] Second, the ALJ cited Reinaas's ability to use a chainsaw, mow the lawn, and care for his child but ignored his testimony about the pain and fatigue these activities cause him and his limitations with them. ALJs need not address every piece of evidence in the record, *see Villano*, 556 F.3d at 562, but an ALJ may not ignore an entire line of evidence contrary to her ruling. *Meuser*, 838 F.3d at 912. Here, the ALJ discussed Reinaas's ability to perform some heavy activities on his few “good” days every month but failed to address his contentions that he could only do twenty minutes of activity at a time before he needed rest and that he had 10 to 15 bad days in a month. Again, the problem is not that the ALJ weighed the evidence in a certain way; it is that she cited only evidence favorable to her deci-

sion without discussing any contrary evidence.

Finally, because Reinaas lived on a farm in rural Wisconsin and his wife worked away from the farm, many of his activities were routine acts of daily living on a small farm. He testified that “stuff has to get done” and that he frequently “work[ed] through the pain.” We have previously cautioned ALJs that there are critical differences between keeping up with activities of daily living and holding down a full-time job. *See Beardsley v. Colvin*, 758 F.3d 834, 838 (7th Cir. 2014); *Bjornson v. Astrue*, 671 F.3d 640, 647 (7th Cir. 2012). And here, Reinaas's ability to do limited work to maintain his small farm does not adequately support the ALJ's conclusion that he would be able to work full time.

For the foregoing reasons, we VACATE the judgment and REMAND to the district court with instructions to remand to the agency for further proceedings.



Preston BENNETT, Plaintiff-Petitioner,

v.

Thomas DART, Sheriff of Cook County, and Cook County, Illinois, Defendants-Respondents.

No. 20-8005

United States Court of Appeals,
Seventh Circuit.

Submitted March 4, 2020

Decided March 16, 2020

Background: Jail detainee brought putative class action against county and county

sheriff, asserting claims under Americans with Disabilities Act (ADA) and Rehabilitation Act, based on allegations that county jail's facilities for detainees needing canes, crutches, or walkers lacked grab bars and other fixtures needed for showers and bathrooms. The United States District Court for the Northern District of Illinois, John Robert Blakey, J., 2019 WL 4601733, denied detainee's motion for class certification. Leave for interlocutory appeal was granted.

Holdings: The Court of Appeals held that class certification determination would not require resolution of merits of the claims. Vacated and remanded.

1. Federal Civil Procedure ⇌174

Certainty of prevailing on the merits is not one of the requirements for class certification. Fed. R. Civ. P. 23(a, b).

2. Federal Civil Procedure ⇌186.10

District court would not be required to rule on merits of jail detainee's case, as purported bar to considering detainee's class certification motion, in putative class action against county and county sheriff, asserting claims under Americans with Disabilities Act (ADA) and Rehabilitation Act, based on allegations that county jail's facilities for detainees needing canes, crutches, or walkers lacked grab bars and other fixtures needed for showers and bathrooms; even if reasonable accommodation inquiry could be rendered moot by district court's determination concerning applicability of Uniform Federal Accessibility Standards (UFAS), detainee was not required to have already prevailed on central legal issue, and instead, appropriate inquiry was whether proposed class would win if the Standards applied and had been violated to detriment of class members, and whether class otherwise would lose. Rehabilitation Act of 1973 § 504, 29

U.S.C.A. § 794; Americans with Disabilities Act of 1990 § 201 et seq., 42 U.S.C.A. § 12131 et seq.; Fed. R. Civ. P. 23(a, b); 28 C.F.R. § 42.522(b).

Petition for Leave to Appeal from the United States District Court for the Northern District of Illinois, Eastern Division. No. 18-cv-04268 — **John Robert Blakey, Judge.**

Patrick W. Morrissey, Attorney, Thomas G. Morrissey, LTD, Chicago, IL, for Petitioner.

Brian P. Gainer, Zachary Pestine, Garrett L. Boehm, Jr., Attorneys, Johnson & Bell, LTD., Chicago, IL, for Respondent.

Before WOOD, Chief Judge, and EASTERBROOK and ROVNER, Circuit Judges.

PER CURIAM.

When Preston Bennett was locked up in the Cook County Jail, he was assigned to Division 10, which houses detainees who need canes, crutches, or walkers. He alleges in this suit under the Americans with Disabilities Act, 42 U.S.C. §§ 12131–34, and the Rehabilitation Act, 29 U.S.C. § 794, that Division 10 lacks the grab bars and other fixtures needed for such persons to use showers and bathrooms safely. Bennett adds that he fell and was injured as a result of this deficiency.

Bennett wants to represent a class of detainees who need canes, crutches, or walkers. The district court denied his initial application, ruling that the appropriate accommodation of any detainee's situation depends on personal characteristics, so common questions do not predominate. See Fed. R. Civ. P. 23(b)(3). Bennett proposed an alternative class that would avoid all person-specific questions by contending that Division 10, which was constructed in 1992, violates a regulation providing that

“as of March 7, 1988 . . . construction[] or alteration of buildings” must comply with the Uniform Federal Accessibility Standards (UFAS or the Standards). 28 C.F.R. § 42.522(b). The Standards require accessible toilets to have grab bars nearby, UFAS § 4.17.6, and accessible showers to have mounted seats, UFAS § 4.21.3. The district court rejected this proposal too, writing:

for this Court to determine whether the ADA and Rehab Act’s Structural Standards control—thereby mooting the reasonable accommodation inquiry—it would need to rule on the merits of Plaintiff’s case.

The judge thought that such a decision would “run[] afoul of the rule against one-way intervention.”

Bennett has asked for our leave to take an interlocutory appeal under Rule 23(f). That petition is granted, and we summarily reverse. (The papers proposing and opposing interlocutory review explore the legal questions in detail.) The judge was right to say that, to determine whether the Standards control, he would need to decide a big chunk of the merits. But that’s not necessary.

[1,2] Rule 23(a) and (b) provides a list of requirements for class certification, all of which must be met, see *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 131 S.Ct. 2541, 180 L.Ed.2d 374 (2011), but surety of prevailing on the merits is not among them. Classes can lose as well as win. The district judge’s view that a class cannot be certified unless the plaintiff has already prevailed on the central legal issue is a formula for one-way intervention rather than a means to avoid it. Bennett, by contrast, proposes a class that will win if the Standards apply (and were violated, to detainees’ detriment) and otherwise will lose. That’s how class actions should proceed.

The district court’s class-certification decision is vacated, and the case is remanded for the certification of an appropriate class if all applicable standards of Rule 23(a) and (b) have been met.



**DEPUY SYNTHES SALES, INC.,
Plaintiff-Appellant,**

v.

**ORTHOLA, INC. and Bruce Cavano,
Defendants-Appellees.**

No. 19-2765

United States Court of Appeals,
Seventh Circuit.

Argued January 14, 2020

Decided March 18, 2020

Background: Manufacturer brought action in diversity against exclusive distributor, seeking order compelling arbitration and injunction against concurrent state-court proceedings. The United States District Court for the Southern District of Indiana, Jane E. Magnus-Stinson, Chief Judge, stayed action. Manufacturer appealed.

Holdings: The Court of Appeals, Wood, Chief Judge, held that:

- (1) district court’s order staying action was final for purposes of appellate jurisdiction;
- (2) state-court lawsuit brought by exclusive distributor was parallel with federal action, weighing in favor of *Colorado River* abstention;
- (3) federal forum in Indiana could not be considered to be inconvenient for ac-