

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENYON NORBERT, et al.,

Plaintiffs,

v.

SAN FRANCISCO SHERIFF'S
DEPARTMENT, et al.,

Defendants.

Case No. 19-cv-02724-SK

**ORDER GRANTING STIPULATION
FOR CLASS CERTIFICATION**

Regarding Docket No. 237

STIPULATION

WHEREAS, on December 4, 2020, Plaintiffs filed a motion for class certification (ECF No. 191);

WHEREAS, on August 30, 2021 the Court entered an order denying without prejudice Plaintiffs' Motion for Class Certification (ECF No. 229);

WHEREAS, in connection with its ruling on Plaintiffs' class certification motion, the Court ordered the parties to meet and confer and "either submit a stipulation regarding class certification or, if they do not agree to class certification, a stipulation for briefing and hearing on a renewed motion," (ECF No. 228);

WHEREAS, the parties have engaged and considerable meet and confer efforts in accordance with the Court's order;

NOW THEREFORE THE PARTIES STIPULATE as follows:

1. The parties stipulate to class certification under Rules 23(a) and Rules 23(b)(2) of the Federal Rules of Civil Procedure to an action including the following defined Classes and Subclasses:

(a) Class 1 (“Outdoor Class”): All inmates who are pretrial detainees and have been incarcerated in San Francisco County Jail 3 (formerly known as County Jail 5) located in San Bruno, California, at any point during the time period May 20, 2017 to the present, and who do not have outdoor access as part of their incarceration at San Francisco County Jail 3.

(b) Class 2 (“Confinement Class”): All inmates who are pretrial detainees and have been incarcerated in County Jail 3 (formerly known as County Jail 5) located in San Bruno, California, at any point during the time period from May 20, 2017 to the present, and who have fewer than one (1) hour per 24 hour period of time out of their cells as part of their incarceration at San Francisco County Jail 3.

(1) Subclass 1 (“Confinement Subclass 1”): All inmates in the Confinement Class who are classified by the San Francisco County Sheriff’s Office in general population housing.

(2) Subclass 2 (“Confinement Subclass 2”): All inmates in the Confinement Class who are classified by the San Francisco County Sheriff’s Office in administrative segregation housing.

2. Plaintiffs MONTRAIL BRACKENS and TROY MCALLISTER and JOSE POOT will serve as representatives of the Outdoor Class and the Confinement Class

3. Plaintiff TROY MCALISTER will serve as a representative of the Confinement Subclass 1. Plaintiffs MONTRAIL BRACKENS will serve as a representative of the Confinement Subclass 2. Plaintiff JOSE POOT will serve as a representative of the Confinement Subclass 1 and 2.

4. The parties will separately enter a stipulation for named Plaintiffs KENYON NORBERT, MARSHALL HARRIS, ARMANDO CARLOS, and MICHAEL BROWN to dismiss their claims against Defendants without prejudice. The dismiss will change the status of named Plaintiffs KENYON NORBERT, MARSHALL HARRIS, ARMANDO CARLOS, and MICHAEL BROWN from being named plaintiffs but they will remain members of the class.

SO STIPULATED.

1 Dated: July 27, 2022

2 DAVID CHIU
3 City Attorney
4 MEREDITH B. OSBORN
5 Chief Trial Deputy
6 SABRINA M. BERDUX
7 KAITLYN MURPHY
8 Deputy City Attorneys

9 By: /s/ Sabrina M. Berdux
10 SABRINA M. BERDUX

11 Attorneys for Defendants
12 CITY AND COUNTY OF SAN FRANCISCO and
13 VICKI HENNESSY

14 Dated: July 27, 2022

15 By: /s/ Yolanda Huang
16 YOLANDA HUANG
17 Attorneys for Plaintiffs
18 **Pursuant to L.R. 5-1(i)(3), the electronic filer has
19 obtained approval from this signatory.*

20 **ORDER**

21 Good cause appearing, the Court HEREBY GRANTS the stipulation of the parties and
22 CERTIFIES, pursuant to Rules 23(a) and Rules 23(b)(2) of the Federal Rules of Civil Procedure,
23 the following defined Classes and Subclasses:

24 (a) Class 1 (“Outdoor Class”): All inmates who are pretrial detainees and have
25 been incarcerated in San Francisco County Jail 3 (formerly known as County Jail 5) located in San
26 Bruno, California, at any point during the time period May 20, 2017 to the present, and who do
27 not have outdoor access as part of their incarceration at San Francisco County Jail 3.

28 (b) Class 2 (“Confinement Class”): All inmates who are pretrial detainees and
have been incarcerated in County Jail 3 (formerly known as County Jail 5) located in San Bruno,
California, at any point during the time period from May 20, 2017 to the present, and who have

fewer than one (1) hour per 24 hour period of time out of their cells as part of their incarceration at San Francisco County Jail 3.

(1) Subclass 1 (“Confinement Subclass 1”): All inmates in the Confinement Class who are classified by the San Francisco County Sheriff’s Office in general population housing.

(2) Subclass 2 (“Confinement Subclass 2”): All inmates in the Confinement Class who are classified by the San Francisco County Sheriff’s Office in administrative segregation housing.

2. Plaintiffs MONTRAIL BRACKENS and TROY MCALLISTER and JOSE POOT will serve as representatives of the Outdoor Class and the Confinement Class

3. Plaintiff TROY MCALISTER will serve as a representative of the Confinement Subclass 1. Plaintiffs MONTRAIL BRACKENS will serve as a representative of the Confinement Subclass 2. Plaintiff JOSE POOT will serve as a representative of the Confinement Subclass 1 and 2.

4. The parties shall separately enter a stipulation for named Plaintiffs KENYON NORBERT, MARSHALL HARRIS, ARMANDO CARLOS, and MICHAEL BROWN to dismiss their claims against Defendants without prejudice. The dismissal will change the status of named Plaintiffs KENYON NORBERT, MARSHALL HARRIS, ARMANDO CARLOS, and MICHAEL BROWN from being named plaintiffs but they will remain members of the class.

IT IS SO ORDERED.

Dated: July 27, 2022



SALLIE KIM
United States Magistrate Judge