UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JENNIFER REYNOLDS, *et al.*,	:	Civil Action No. 1:07-CV-01688
	:	Judge Thomas I. Vanaskie
Plaintiffs,	:	
- vs -	:	(Complaint Filed 9/16/07)
THE COUNTY OF DAUPHIN	:	CIVIL ACTION - LAW
Defendant.	:	JURY TRIAL DEMANDED

PLAINTIFFS' BRIEF IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS THE AMENDED COMPLAINT

Dated: January 8, 2008

Respectfully submitted,

s/ Elmer Robert Keach, III

Elmer Robert Keach, III, Esquire
Law Offices of Elmer Robert Keach, III, PC
1040 Riverfront Center
P. O. Box 70
Amsterdam, NY 12010
Telephone: 518.434.1718

Charles J. LaDuca, Esquire
Alexandra C. Warren, Esquire
(Attny. I.D. No. 93651)
Cuneo Gilbert & LaDuca, LLP
507 C Street, NE
Washington, DC 20002
Telephone: 202.789.3960

Alan M. Ross, Esquire
Pennsylvania Supreme Court ID No. 81301
Law Offices of Alan M. Ross, LLC
2001 North Front Street, Suite 220
Harrisburg, PA 17102
Telephone: 717.238.6311

Daniel C. Levin, Esquire
Pennsylvania Supreme Court ID No. 80013
Levin, Fishbein, Sedran & Berman
510 Walnut Street, Suite 500
Philadelphia, PA 19106
Telephone: 215.592.1500

Gary E. Mason, Esquire
Nicholas A. Migliaccio, Esquire
THE MASON LAW FIRM, L.L.P..
1225 19th Street, NW
Suite 600
Washington, DC 20036
202.429.2290

Alexander E. Barnett, Esquire
THE MASON LAW FIRM, L.L.P..
1120 Avenue of the Americas
Suite 4019
New York, NY 10036
212.362.5770

INTRODUCTION

Defendant Dauphin County's Motion to Dismiss this action is a study in irony and inconsistency. The County maintains, in the absence of any discovery and prior to class certification in this matter, that they had reasonable suspicion to strip search "a substantial portion of [the] proposed class." (Defendants' Brief, p. 9). Without considering the allegations of the Plaintiffs' Amended Complaint, which clearly state that all detainees admitted to the Dauphin County Jail are strip searched regardless of criminal charge or individualized reasonable suspicion, (Amended Compl., ¶¶ 24-35), the County makes this bold claim and provides the Court with a copy of its written strip search policy for justification. Obviously, the County's experienced counsel is well aware that the Court cannot consider matters beyond the pleadings when considering their Motion to Dismiss, but since the County wants to proffer its policy anyway, the Plaintiffs have no choice to but reciprocate. Attached to this motion the Court will find the deposition of Warden Dominick DeRose, the designated deponent of Defendant Dauphin County, as well as a "post order" describing the job functions of a Dauphin County "Booking/Receiving Officer." (Ex. A, Ex. B). Warden DeRose's transcript, and the "Post Order," tell a distinctly different story that the factual recitation provided by the Defendant in their motion papers.

In fact, Warden DeRose admits that Dauphin County illegally strip searches the vast majority of pretrial detainees admitted to the Dauphin County Jail, and this admission lends itself in support of the Plaintiffs' allegations – that all detainees are uniformly strip searched, regardless of the requirements of the County's written policy, their criminal charge or individualized reasonable suspicion. (DeRose, pp. 57-59, 63).

Warden DeRose testified that the County believes reasonable suspicion exists to strip search pre-trial detainees, including those charged with not paying traffic tickets, if they are commingled with other detainees prior to their arrival at the Dauphin County Prison, or commingled while they are awaiting admission to the facility in a series of holding cells on site. (DeRose, pp. 59, 63) (discussing, at page 63, the use of a "paddy wagon" for transports from the City of Harrisburg). Three of the four class representatives were strip searched on this basis. (Amended Compl., ¶¶ 32-33, Ex. A). These searches are patently illegal and unnecessary. *See, for example, Calvin v. Sheriff of Will County*, 405 F. Supp.2d 933, 942-943 (N.D. Ill. 2005) (intermingling alone insufficient to justify search, blanket strip searches improper where "less invasive searches or other detention practices could obviate the need for a strip search"); *Masters v. Crouch*, 872 F.2d 1248, 1254 (6th Cir. 1989) ("intermingling alone has never been found to justify such a search without consideration of the nature of the offense and the question of whether there is any reasonable basis for concern that the particular detainee will attempt to introduce weapons or other contraband to the institution").

The "Post Order" also demonstrates that all pre-trial detainees admitted to the Dauphin County Jail are subjected to a uniform strip search to "check for contraband and/or injuries … [as well as] body vermin." (Ex. B). The Post Order, as well as a similar training outline also requiring blanket strip searches "after arraignment," is still in use today at the Dauphin County Jail. (DeRose, pp. 165-166). Warden DeRose confirmed that the single largest group of individuals admitted to the Dauphin County Jail is not felons or other hardened criminals, but individuals who could not pay their child support. (DeRose, pp. 151-52).

The basis for the County's claim for dismissal is that it can, now, supposedly demonstrate a *post hoc* basis to strip search some members of the class based on criminal charge or past criminal history, and that this effort at Monday morning quarterbacking should somehow carry the day in the absence of any discovery. The County requests the dismissal of some nebulous, unidentified, and, without discovery, undeterminable percentage of claims brought by absent class members. This claim is premature, given that no class certification motion has been filed and no discovery has been taken. It is also contrary to a range of case law, including several cases from this judicial circuit, detailing that a municipality must have individualized reasonable suspicion to strip search a detainee at the time the search is conducted, and cannot engage in an effort, after the institution of litigation, to justify strip searches *post hoc*. Most importantly, this claim is nonsense in light of Warden DeRose's testimony, which confirms that no effort is made by Dauphin County to determine a pre-trial detainee's "past criminal history, i.e. those detainees … who had a past conviction for a felony, drug or weapons" prior to their being illegally strip searched. (Defendant's Brief, p. 9; DeRose, p. 44-52). Instead, Warden DeRose confirmed that the Corrections Officers conducting these illegal strip searches do not have access to criminal history information. (DeRose, p. 44-45, 49). It is also nonsense in light of the "Post Order," which requires blanked strip searches.

Finally, the Defendant maintains that three of the class representatives lack standing to seek injunctive relief, concede that the fourth one does, but absurdly demand that the Court engage in a complicated standing analysis now, without discovery. Suffice it to say, the case authority addressing class actions brought to address the wholesale and willful violation of federally protected civil rights makes clear that class representatives

have standing to seek injunctive relief on behalf of a prospective class even if they, individually, may lack standing to do so. This is especially true if the class representative seeks to challenge the official policies or practices of a municipal defendant.

One Circuit Court has referred to the blanket strip and visual cavity searches at issue in this case as being "demeaning, dehumanizing, undignified, humiliating, terrifying, unpleasant, embarrassing, repulsive, signifying degradation and submission…" *Mary Beth G. v. City of Chicago*, 723 F.2d 1263, 1272 (7th Cir. 1983). The Plaintiffs plan to put a stop to these illegal and degrading practices shortly, but regrettably cannot do so now prior to taking appropriate discovery. Regardless, the County's motion seeking "dismissal" of this action should be denied by this Court.

ARGUMENT

POINT I

THE COUNTY'S REQUEST TO DISMISS THE CLAIMS OF ABSENT CLASS MEMBERS IS BOTH PREMATURE AND CONTRARY TO CASE LAW FROM THIS JUDICIAL CIRCUIT.

The County acknowledges that blanket strip search policies/practices are unconstitutional. The Plaintiffs appreciate this concession, as the Courts of this judicial circuit, and every other circuit, have held as much. *See, Newkirk v. Sheers,* 834 F. Supp. 772, 789-90 (E.D. Pa. 1993); *Wood v. Hancock County Sheriff's Department*, 354 F.3d 57, 62-63 (1st Cir. 2003); *Weber v. Dell*, 804 F.2d 796, 801 (2d Cir. 1986); *Logan v. Shealy*, 660 F.2d 1007, 1013 (4th Cir. 1981); *Stewart v. Lubbock County*, 767 F.2d 153, 156-57 (5th Cir. 1985); *Masters v. Crouch*, 872 F.2d 1248, 1253 (6th Cir.), *cert. denied*, 493 U.S. 977 (1989); *Mary Beth G.*, 723 F.2d at 1273; *Jones v. Edwards*, 770 F.2d 739,

742 (8th Cir. 1985); *Giles v. Ackerman*, 746 F.2d 614, 617 (9th Cir. 1984); *Chapman v. Nichols*, 989 F.2d 393, 395-96 (10th Cir. 1993); *Justice v. City of Peachtree City*, 961 F.2d 188, 193 (11th Cir. 1992). In fact, the unanimous Federal case law on the strip searches of pre-trial detainees makes clear that such searches must be based on "particularized reasonable suspicion that the detainee is concealing a weapon or harboring contraband or drugs." *Newkirk*, 834 F. Supp. at 791. Several class actions addressing the use of illegal strip searches at local jails have been successfully prosecuted across the country, including four class settlements and two additional class certifications achieved by proposed class counsel in this action. *See, Marriott v. County of Montgomery*, 227 F.R.D. 159 (N.D.N.Y.), *aff'd*, 2005 WL 3117194 (2d Cir. 2005) (certification in strip search class action litigated by co-lead counsel in this case; later settled for common fund); *Kahler v. County of Rensselaer*, No. 03-CV-1324 (TJM/DRH), 2005 WL 1981300 (N.D.N.Y. August 17, 2005) (settlement negotiated by co-lead counsel in this case); *McDaniel v. County of Schenectady*, No. 04-CV-757 (GLS/RFT) (N.D.N.Y. November 29, 2006) (Exhibit C) (settlement negotiated by co-lead counsel); *Kelsey v. County of Schoharie*, 2007 WL 603406 (N.D.N.Y. February 21, 2007) (class certification achieved by co-lead counsel); *Mitchell v. County of Clinton*, 2007 WL 1988716 (N.D.N.Y. July 5, 2007) (class certification achieved by co-lead counsel); *Hicks v. County of Camden*, 05-CV-1857 (JHR/JS) (D.N.J. December 17, 2007) (settlement negotiated by co-lead counsel in this case) (Exhibit D); *Dodge v. County of Orange*, 226 F.R.D. 177 (S.D.N.Y. 2005); *McBean v. City of New York*, 228 F.R.D. 487 (S.D.N.Y. 2005); *Haney v. Miami-Dade Co.*, No. 04-20526-CIV, 2004 WL 2203481 (S.D. Fla. August 24, 2004); *Mack v. Suffolk Co.*, 191 F.R.D. 16 (D. Mass. 2000); *Bynum v. District*

of Columbia, 384 F. Supp.2d 342 (D.D.C. 2005); *Nilsen v. York Co.*, 400 F. Supp.2d 266 (D. Me. 2005) (summarizing settlements). The U.S. District Court for the Northern District of New York has also awarded summary judgment and a permanent injunction to a class of individuals, like those here, who were illegally strip searched upon admission to a local jail. *Marriott v. County of Montgomery*, 426 F. Supp.2d 1 (N.D.N.Y. 2006).

The County has no basis to presently dismiss this action in its entirety given this overwhelming case authority; instead, it chooses to quibble over the class definition prior to providing the Plaintiffs with an opportunity to take discovery. The County implicitly concedes that the claims of the class representatives are perfectly appropriate, and should not be dismissed. In fact, there was no reasonable suspicion to strip search the class representatives at all. None of them has any significant criminal history. Three representatives were strip searched for "assembling without a permit" on McCormick Island in Harrisburg during the Labor Day weekend; one was strip searched for not paying her parking tickets. (Amended Compl., ¶¶ 3-6, 33-34). All but one was strip searched because they were supposedly commingled with other detainees at the Harrisburg Police Department or while being detained at the Jail, in violation of their constitutional rights. (Amended Compl., Ex. A). The fourth, Devon Sheppard, a doctoral candidate in biophysics at Johns Hopkins, was strip searched while menstruating because she "appeared to be concealing contraband." She was also forced to remove her tampon while being watched by a Corrections Officer. In short, the strip searches imposed upon the class representatives "could not have been more degrading." *Ford v. City of Boston*, 154 F. Supp.2d 131, 133 (D. Mass. 2001).

The County's main argument regarding a limitation on the class size is that they can purportedly demonstrate, after the fact, a justification to strip search some members of the proposed class based on their criminal charges or past criminal history. The County proposes, albeit without any clarity or specificity, that the class be reduced and/or the class definition be redefined based on their claim that reasonable suspicion can be demonstrated for some class members *post hoc*. The County's arguments ignore the Plaintiffs' Amended Complaint, which makes clear that the County has a blanket policy, or, in the alternative, a blanket practice, of strip searching all detainees admitted to the Dauphin County Jail. They also ignore their own written policies, as reflected in a "Post Order," that all detainees should be strip searched regardless of their individual circumstances. (Keach Affirmation, Exhibit B). While the Defendant directs the Court to case precedent from outside this judicial circuit to indicate their right to provide *post hoc* justifications for strip searches, that case authority has been ostensibly ignored by the majority of Federal courts.

The burden to establish reasonable suspicion relative to certain categories of crimes and/or individual pre-trial detainees lies with the Defendant. *See, Curry v. City of Syracuse*, 316 F.3d 324, 335 (2d Cir. 2003) (probable cause is an affirmative defense, the burden of proof of which is on the defendant); *Mack v. County of Suffolk*, 191 F.R.D. 16, 24 (D. Mass. 2000) ("given that these women were routinely strip searched, the burden rests on Defendants to demonstrate that particular searches were reasonable"). Assuming, *arguendo*, that the Court will consider the County's written policy now (and that it will ignore the Defendant's "Post Order," conveniently not provided in their motion submission), and will accept the County's unilateral representation that

misdemeanants charged with weapons or drug offenses are uniformly searched—and others are not—that does not mandate the dismissal of this action in light of the allegations of the Amended Class Action Complaint. Another Federal court in this judicial circuit, in rejecting the "blanket risk" approach advocated by the County and detailed in *Smith v. Montgomery County*, 643 F. Supp. 435 (D. Md. 1986), held as follows:

> [T]his court believes that the blanket risk approach [allowing for blanket strip searches for certain categories of crimes] adopted by the *Smith* court, if it can ever exculpate a defendant who conducts a strip search notwithstanding the absence of any suspicion that the arrestee is concealing weapons or contraband, can do so only when the jail actually adopted a policy that permits only those persons arrested on felonies or on charges involving weapons or contraband to be searched without individualized suspicion, and affirmatively requires individualized suspicion with regard to other arrestees… However, when an arrestee charged with a felony or a misdemeanor involving weapons or contraband is strip searched pursuant to a policy encompassing *all* arrestees, regardless of the nature of their offenses, and where it is conceded that no suspicion regarding the particular arrestee existed, the requisite justification for the search is lacking; neither the general policy nor its particular application is supportable.

Davis v. County of Camden, 657 F. Supp. 396, 400-401 (D.N.J. 1987). The District of New Jersey further held that an effort to demonstrate reasonable suspicion after the fact (as suggested in the Defendant's motion papers) for certain arrestees was "ingenious but ultimately flawed" when the actual practices of the municipality in question required blanket strip searches. *Davis,* 657 F. Supp. at 400. *See also, Doe v. Calumet City,* 754 F. Supp. 1211, 1220 (N.D. Ill. 1990) (defendant must show "reasonable basis" at time of strip search to demonstrate reasonable suspicion); *Gonzalez v. City of Schenectady*, 141 F. Supp.2d 304, 309 (N.D.N.Y. 2001) (describing an effort to establish reasonable suspicion after fact as being "absurd"); *Calvin v. Sheriff of Will County*, 2004 WL

1125922, *4 (N.D. Ill. May 17, 2004) ("the ultimate legal question is not whether jail personnel made erroneous reasonable suspicion determinations regarding each individual, but whether the Sheriff's policy avoided all such inquiry, thus depriving those individuals of their Fourth and Fourteenth Amendment rights.").

Here, Dauphin County's written policy may well require the strip searching of all detainees based on certain categories of criminal charges, but that does not end the inquiry. First, the Plaintiffs' Amended Complaint makes clear that, notwithstanding the written policy, the *de facto* practice of Dauphin County is to strip search everyone, and to make up a reason for doing so. (Amended Compl., ¶¶ 33-34). If the Plaintiffs were able to demonstrate that the Defendant's employees universally ignored the County's written policy (by, for instance, following the contradictory "Post Order"), then the blanket risk analysis proposed by the Defendant would not protect the County from liability because they did not employ such an analysis. Additionally, the Defendant's policy requires that "strip search forms" be generated for each detainee brought to the Dauphin County Jail. Should the Defendant's employees actually follow the written policy on strip searches, and are strip searching detainees charged with certain categories of crimes that supply the requisite reasonable suspicion, the County will be able to demonstrate this to the Court at the appropriate time after discovery is taken. Other courts have also held, however, that an arrest for a drug offense, without more, does not provide reasonable suspicion to strip search. *See, Way v. County of Ventura*, 445 F.3d 1157, 1161-62 (9th Cir.), *cert. denied*, 127 S.Ct. 665 (2006); *Dodge v. County of Orange*, 209 F.R.D. 65, 76-77 (S.D.N.Y. 2002). Once discovery is taken, a list of relevant admission crimes is generated, and the strip search forms are produced to the Plaintiffs, the parties can then address the

categories of crimes proffered by the Defendants as justifying strip searches, and the Court can make a ruling on these individual categories. The Plaintiffs may even consent, after taking appropriate discovery, that certain categories of crimes should be excluded from the class definition, or should be addressed relative to the Defendants' liability by the certification of subclasses.

That is not the proposal provided here, however. Instead, the Defendant claims that an amorphous group of class members should be excluded from the class based on a list of criminal charges that they, themselves, decline to define. This most certainly does not demonstrate, unequivocally, that specific absent class members should be excluded from this litigation or have no claim, as the Defendants bear the burden in this regard. Relative to the County's claims that criminal record can substantiate reasonable suspicion, this is undermined by the fact that Warden DeRose's testified that a detainee's prior criminal record is generally not considered at the time the detainee is searched – in fact, the officers conducting the searches do not even have access to computers that would show a detainee's criminal record. (DeRose, pp. 44-45). Also, other courts have not hesitated to certify class actions that address strip searches of parole and probation violators, who are usually convicted felons, because these searches also require individualized reasonable suspicion. *See, Dodge*, 209 F.R.D. at 77. Referring to criminal record, alone, is also not a sufficient basis to establish individualized reasonable suspicion, at least outside of the Eleventh Circuit. Assuming the propriety of the Defendant's analysis, someone convicted of a felony as a juvenile fifty years ago could be strip searched now, as a senior citizen, if they were admitted to the Dauphin County Jail on a traffic ticket, but have otherwise led a law abiding life. This argument should

not provide a basis to exclude members of the class. At a minimum, this determination should be made after discovery is taken. If someone's criminal record provided "particularized reasonable suspicion" to strip search them, then inevitably it will be reflected on their strip search form.

As the preceding analysis makes clear, there are a range of facts that need to be plumbed in discovery before determining the Defendant's arguments on class definition. Consequently, the Defendant's arguments are premature. At this juncture, the County has moved to dismiss Plaintiffs' Amended Complaint. The Plaintiffs need only show that the proposed class representatives have stated a cause of action. *Popoola v. MD Individual Practice Association*, 230 F.R.D. 424, 433 (D. Md. 2005). In *Popoola*, the District Court stated:

> Defendants also argue that Plaintiffs' amended complaint does not cure the defects in class definition that compelled Judge Scrivener to deny class certification for lack of typicality and commonality. Upon initial inspection, the court disagrees, but the question of class certification is not property before the court at this time. Plaintiffs note correctly that analysis of class compliance with Rule 23 is not appropriately undertaken a motion to dismiss, but should be addressed in a motion to dismiss, but should be addressed in a motion pursuant to Rule 23(c)(1)(A). *See*7B Charles A. Wright & Arthur R. Miller, Federal Practice & Procedure § 1798, at 226-27 & n. 23 (3rd ed. 2005) (citing cases). As to Defendants' motion to dismiss, Plaintiffs need only show, at this juncture, that they have stated a cause of action. ("In determining the propriety of a class action, the question is not whether the plaintiffs have stated a cause of action or will prevail on the merits, but rather whether the requirements of Rule 23 have been met.")

Id. In fact, most courts will not decide dispositive motions prior to class certification because a decision on dispositive motions will only affect the class representative and defendant involved. Res judicata will not affect absent class members. *Wright v. Schock*, 742 F.2d 541, 544 (9th Cir. 1984). "This type of potential disadvantage to defendants has

prompted some courts to hold that no decision on the merits of a class action can proceed a determination of class certification." *Id.* Thus, in accordance with the Federal Rules of Civil Procedure, Defendant's Motion to Dismiss should only address the class representatives' claims. As noted previously, the County does not, and cannot, show particularized reasonable suspicion to strip search Ashley McCormick, Devon Sheppard, Jennifer Reynolds, and Herbert Carter.

For these reasons, the Court should deny the Defendants' motion to dismiss the claims of absent class members and/or limit the definition of the proposed class.

POINT II

PLAINTIFFS REYNOLDS, CARTER AND SHEPPARD HAVE STANDING TO SEEK INJUNCTIVE RELIEF.

The County concedes that Plaintiff Ashley McCormick has standing to seek injunctive relief, and, consequently, that the class' claims for injunctive relief should withstand their motion to dismiss. No request for injunctive relief is, however, presently pending. Regardless, the County marches forward with an argument that some class representatives lack standing, and propose to burden the Plaintiffs and the Court with addressing a complicated standing question now, in the absence of discovery, when the County's success on this point will have no affect on the progress of this lawsuit. A better use of time and limited resources is hard to imagine.

Regardless, Plaintiffs Devon Sheppard, Jennifer Reynolds and Herbert Carter do indeed have standing to address Dauphin County's illegal strip search regimen. The situation presented to the Court is the quintessential example of one that is capable of repetition, yet avoiding review. The United States District Court for the Eastern District

of Pennsylvania, in considering a conditions of confinement claim at the Philadelphia Prison System, recently held that the named plaintiffs in that action had standing under an exception to the mootness doctrine which "exist[s] to address short-term harms that would otherwise evade judicial review." *Bowers v. City of Philadelphia*, 2006 U.S. Dist. Lexis 71914, * 21, 2006 WL 2818501 (E.D. Pa., September 28, 2006). Concluding that the plaintiffs do, in fact, have standing to bring the class action for injunctive and declaratory relief, the Court stated:

> Given that Plaintiffs allege severe prison overcrowding and dangerous, unhealthy, and degrading conditions and given that it is certain that other pretrial detainees are currently and will in the future be detained under the allegedly unconstitutional conditions, this case certainly belongs to the class of cases for which an exception to mootness must be made.

Bowers, 2006 U.S. Dist. Lexis 71914, *23-24. Here, the named Plaintiffs seek to represent future detainees at the Dauphin County Jail, many of whom will be illegally strip searched as this motion is pending. Other Federal courts, in the context of a class action, have not hesitated to find standing for injunctive relief on behalf of a class even if the representative plaintiff may not, on their own, have standing to seek such relief. *See*, *Bull v. City & County of San Francisco*, No. C 03-01840, 2006 WL 449148, * 5 (N.D. Cal., Feb. 23, 2006). This is especially true where a class representative seeks to challenge the written policies and practices of a municipality. *See, Marriott v. County of Montgomery*, 227 F.R.D. 159, 173 (N.D.N.Y. 2005); *Mack v. Suffolk County*, 191 F.R.D. 16, 21 (D. Mass. 2000). In short, Ms. Sheppard, Ms. Reynolds and Mr. Carter have standing, as proposed class representatives, to seek injunctive relief against Dauphin County.

CONCLUSION

For these reasons, the Plaintiffs respectfully request that this Court deny Defendant Dauphin County's Motion to Dismiss.

Respectfully submitted by:

Dated: January 8, 2008

Alan M. Ross, Esquire
Pennsylvania Supreme Court ID No. 81301
Member of the Bar, U.S.D.C., M.D.Pa.
LAW OFFICE OF ALAN M. ROSS, LLC
2001 North Front Street, Suite 220
Harrisburg, PA 17102
Telephone: 717.238.6311
Telecopier: 717.238.0860
Electronic Mail: amresquire@aol.com

/s Elmer Robert Keach, III

Elmer Robert Keach, III, Esquire
LAW OFFICES OF ELMER ROBERT KEACH, III, PC
1040 Riverfront Center
P. O. Box 70
Amsterdam, NY 12010
Telephone: 518.434.1718
Telecopier: 518.770.1558
Electronic Mail: bobkeach@keachlawfirm.com

Charles J. LaDuca, Esquire
Alexandra Warren, Esquire
CUNEO GILBERT & LaDUCA, LLP
507 C Street, NE
Washington, DC 20002
Telephone: 202.789.3960
Telecopier: 202.789.1813
Electronic Mail: charlesl@cuneolaw.com

Daniel C. Levin, Esquire
Pennsylvania Supreme Court ID No. 80013
LEVIN, FISHBEIN, SEDRAN
& BERMAN
510 Walnut Street, Suite 500
Philadelphia, PA 19106
Telephone: 215.592.1500
Telecopier: 215.592.4663
Electronic Mail: dlevin@lfsblaw.com

Gary E. Mason, Esquire
Alexander Barnett, Esquire
Nicholas Migliaccio, Esquire
THE MASON LAW FIRM, PLLC
1225 19th Street, NW
Suite 600
Washington, DC 20036
Telephone: 202.429.2290
Telecopier: 202.429.2294
Electronic Mail:
gmason@masonlawdc.com

ATTORNEYS FOR PLAINTIFFS AND
THE PROPOSED CLASS