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**THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY**

DIANE DAVIS, JASON LEE ENOX, JEREMY
LEE IGOU, and JON WESLEY TURNER II,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

STATE OF NEVADA; BRIAN SANDOVAL,
Governor, in his official capacity.

Defendants.

Case No. 170C02271B

Dept. No. II

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' AMENDED MOTION FOR
CLASS CERTIFICATION**

1 This Court, after considering Plaintiffs' Amended Motion for Class Certification, the
2 accompanying Memorandum and Index of Evidence, and all prior pleadings and proceedings
3 herein, hereby **ORDERS**:

- 4 1. Plaintiffs' Amended Motion for Class Certification is **GRANTED**.
- 5 2. The class consisting of all persons who are now or who will be under formal
6 charge before a state court in a Rural County¹ of having committed any offense,
7 the penalty for which includes the possibility of confinement, incarceration,
8 imprisonment, or detention in a correctional facility (regardless of whether actually
9 imposed) and who are indigent and thus constitutionally entitled to the
10 appointment of counsel (the "Class") is hereby **CERTIFIED**.
- 11 3. The Class satisfies the requirements of Rule 23(b)(2) of the Nevada Rules of Civil
12 Procedure for class certification. Plaintiffs seek an injunction requiring the
13 Defendants to remedy the constitutional violations in the Rural Counties' system
14 for providing indigent defense, a remedy that would apply to the entire Class.
15 Thus, Defendants have acted or refused to act on grounds generally applicable to
16 the Class, thereby making appropriate final injunctive relief or corresponding
17 declaratory relief with respect to the Class as a whole.
- 18 4. The Class satisfies the requirements of Rule 23(a) of the Nevada Rules of Civil
19 Procedure for class certification.
 - 20 a. The Class is sufficiently numerous because it consists of hundreds of
21 members.
 - 22 b. There is at least one question of law or fact common to the Class, including
23 whether the State of Nevada and its Governor (collectively, "Defendants")
24 have a duty under the Federal and Nevada Constitutions to provide
25 meaningful representation to the Class and whether the system in Nevada
26

27 ¹ "Rural Counties," as defined in the Plaintiffs' First Amended Complaint, means the following
28 Nevada counties: Churchill, Douglas, Esmerelda, Eureka, Lander, Lincoln, Lyon, Mineral, Nye,
and White Pine.

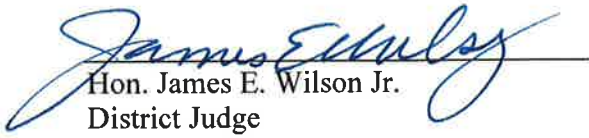
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does in fact provide meaningful representation.

- c. The Class representatives are typical of the Class. The claims of the Class and its representatives arise from the same alleged conduct—that Defendants’ inaction permits the Rural Counties to maintain a constitutionally deficient indigent defense system. The Class representatives and the Class share the same legal theory—that Defendants’ inaction constructively denies both the Class and its representatives of meaningful representation.
- d. The named Plaintiffs have the same interest in the outcome of this litigation as the Class and are thus able to fairly and adequately protect the interests of the Class. Plaintiffs’ counsel has significant combined experience litigating class actions, including indigent-defense-reform litigation.

IT IS SO ORDERED.

Dated June 14, 2019


Hon. James E. Wilson Jr.
District Judge