

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

WILLIAM THORPE, *et al.*,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Civil Case No. 2:20-cv-00007-JPJ-
PMS

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs William Thorpe, Frederick Hammer, Dmitry Khavkin, Gerald McNabb, Gary Wall, Vernon Brooks, Brian Cavitt, Derek Cornelison, Peter Mukuria, Steven Riddick, and Kevin Snodgrass (“Plaintiffs”)¹ move the Court under Rule 23 of the Federal Rules of Civil Procedure to certify the following classes:

Constitutional Violation Injunction Class: All persons who are currently, or will in the future, be confined at Red Onion or Wallens Ridge at the “Level S” or “Level 6” security levels subject to any phase of the Step-Down Program.

Constitutional Violation Damages Class: All persons who from August 1, 2012 to the present have been confined at Red Onion or Wallens Ridge at the “Level S” or “Level 6” security levels subject to any phase of the Step-Down Program.

Disabilities Injunction Class: All persons who are currently, or will in the future, be confined at Red Onion or Wallens Ridge at the “Level S” or “Level 6” security levels subject to any phase of the Step-Down Program and who suffer from mental health disabilities and are

¹ On June 17, 2022, Plaintiffs filed an unopposed motion for leave to withdraw Christopher Cottrell as a named Plaintiff. ECF No. 165.

qualified as individuals with disabilities under either the ADA or the RA.

Disabilities Damages Class: All persons who from August 1, 2012 to the present have been confined at Red Onion or Wallens Ridge at the “Level S” or “Level 6” security levels subject to any phase of the Step-Down Program and who suffer from mental health disabilities and are qualified as individuals with disabilities under either the ADA or the RA.

In support of this motion, Plaintiffs submit a memorandum of law and associated exhibits, as well as a proposed order.

Plaintiffs also respectfully move for the Court to appoint White & Case LLP and the American Civil Liberties Union Foundation of Virginia as counsel for each class pursuant to Rules 23(c)(1)(B) and 23(g) of the Federal Rules of Civil Procedure.

Dated: June 20, 2022

Respectfully submitted:

/s/ Tara M. Lee

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Counsel for Class Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of June, 2022, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system.

/s/ Tara Lee

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