

**ORIGINAL**

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U.S.D.C. Atlanta

OCT 12 2004

**IN THE UNITED STATES DISTRICT COURT** LUTHER D. THOMAS, Clerk  
**FOR THE NORTHERN DISTRICT OF GEORGIA** By: *J. Reed* Deputy Clerk  
**ATLANTA DIVISION**

\_\_\_\_\_  
FREDERICK HARPER, individually and on  
behalf of all present and future inmates in the  
the Fulton County Jail in Atlanta, Georgia

Plaintiffs,

v.

CIVIL ACTION FILE  
NO. 1:04-CV-1416 MHS

DEPUTY TYRONE BENNETT, individually;  
and FULTON COUNTY, GEORGIA; FULTON  
COUNTY BOARD OF COMMISSIONERS,  
KAREN HANDEL, Chairperson, ROB PITTS,  
TOM LOWE, EMMA I. DARNELL, NANCY A.  
BOXILL, WILLIAM "BILL" EDWARDS,  
Members; JACQUELINE BARRETT, individually  
and in their official capacities,

Defendants.

**CONSENT ORDER CONDITIONALLY CERTIFYING CLASS**

The Court having read and considered Plaintiffs' Motion for Class Certification; having been advised by the parties that settlement discussions are ongoing; and having been advised that the parties consent to the entry of this conditional certification Order solely for purposes of settlement;

IT IS HEREBY ORDERED AND ADJUDGED as follows:

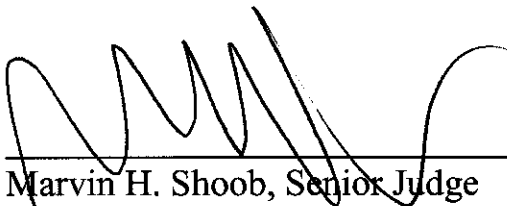
1. The Court finds solely for purposes of settlement that the Rule 23(a) prerequisites to a class action have been met for the injunctive and equitable relief claims pending in this case.

2. The Court finds solely for purposes of settlement with respect to the injunctive and equitable relief claims pending in this case that the class is so numerous that joinder of all members is impracticable; there are questions of law or fact in common to the class; the claims or defenses of the representative parties are typical of the claims or defenses of the class; and the representative parties fairly and adequately protect the interests of the class.

3. The Court conditionally certifies pursuant to Rule 23(b)(2) the class of all persons who are now or will in the future be incarcerated at the Fulton County Jail in Atlanta, Georgia.

4. In the event the parties are unable to finalize a settlement in this matter or the Court does not approve of the settlement as required by Rule 23(e), this Order shall be vacated upon the request of any party. At such time, this Court will allow Plaintiffs to supplement their memorandum of law in support of their Motion for Class Certification filed on June 25, 2004. Any party opposing certification shall have a right to file such opposition. The Court may permit at or before such time discovery related to class certification upon motion by any party.

So Ordered on this 6th day of October, 2004.



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Marvin H. Shoob, Senior Judge  
United States District Judge