

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

<p>Twanda Marshinda Brown, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Lexington County, South Carolina, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil Action No. 3:17-cv-01426-MBS-SVH</p>
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**PLAINTIFFS’ SECOND AMENDED MOTION FOR CLASS CERTIFICATION**

Plaintiffs Xavier Larry Goodwin and Raymond Wright, Jr., bring this motion for class certification in conjunction with the class action Second Amended Complaint filed on behalf of Mr. Goodwin, Mr. Wright, and the other Plaintiffs. The Second Amended Complaint seeks to remedy ongoing violations of the Fourteenth, Sixth, and Fourth Amendments to the United States Constitution. Those violations include lack of due process, denial of equal protection of the law, failure to provide assistance of counsel, and unreasonable seizure.

By this motion, Plaintiffs Goodwin and Wright seek certification of the following proposed Class: “All indigent people who currently owe, or in the future will owe, fines, fees, court costs, assessments, or restitution in cases handled by Lexington County magistrate courts.” Certification of the Class is appropriate under Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure. The proposed Class is so numerous that joinder of all members is impracticable. There is commonality between the claims of Plaintiffs Goodwin and Wright and the claims of the Class, all of which are based on Defendants’ uniform actions and all of which raise factual and legal issues that can be resolved at once for the entire Class. There is also typicality among

the claims because they arise from the same courses of conduct and are based on the same legal and equitable theories. Plaintiffs Goodwin and Wright and their counsel will adequately represent the interests of the Class. Members of the proposed Class are ascertainable using objectively determinable criteria. Finally, Defendants are acting or refusing to act on grounds that apply generally to the Class, making final declaratory and/or injunctive relief appropriate to the Class as a whole.

For these reasons, and those in the supporting memorandum accompanying this motion, Plaintiffs Goodwin and Wright respectfully ask the Court to certify the proposed Class under Rule 23(a) and (b)(2); appoint Xavier Larry Goodwin and Raymond Wright, Jr., as the Class representatives; and appoint the American Civil Liberties Union Foundation, the American Civil Liberties Union Foundation of South Carolina, and Terrell Marshall Law Group PLLC as Class counsel.

DATED this 17th day of April, 2018.

Respectfully submitted by,

s/ Susan K. Dunn

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