

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

<p>Linguista White, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Kevin Shwedo, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil Action No.</p> <p style="text-align: center;">2:19-cv-03083-RMG</p>
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PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION

Plaintiffs Linguista White, Emily Bellamy, and Janice Carter bring this motion for class certification in conjunction with the Class Action Complaint for Injunctive and Declaratory Relief (“Complaint”) filed on Plaintiffs’ behalf. The Complaint seeks to remedy ongoing violations of the Fourteenth Amendment to the United States Constitution. These violations include denial of due process and equal protection of the law.

By this motion, Plaintiffs White, Bellamy and Carter seek certification of two proposed classes. The first proposed class is referred to as the “Suspension Class” and is defined as: “All individuals whose driver’s licenses are suspended, or will be suspended, by the South Carolina Department of Motor Vehicles due to their failure to pay fines, fees, surcharges, assessments, or court costs assessed for a traffic offense.” The second proposed class is referred to as the “Reinstatement Fee Class” and is defined as: “All individuals whose driver’s licenses are suspended, or will be suspended, by the South Carolina Department of Motor Vehicles due to their failure to pay reinstatement fees.”

Certification of the proposed Suspension Class and Reinstatement Fee Class is appropriate under Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure. The proposed classes are so numerous that joinder of all members is impracticable. There is commonality between the claims of Plaintiffs White, Bellamy, and Carter and the claims of the proposed Suspension 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 proposed Suspension Class. Similarly, there is commonality between Plaintiffs' claims and the claims of the proposed Reinstatement Fee 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 proposed Reinstatement Fee Class. There is also typicality among the claims Plaintiffs pursue for each proposed Class because the claims arise from the same courses of conduct and are based on the same legal and equitable theories. Plaintiffs White, Bellamy and Carter and their counsel will adequately represent the interests of the proposed Classes. Finally, Defendants are acting or refusing to act on grounds that apply generally to the proposed Suspension Class and on grounds that apply generally to the proposed the Reinstatement Fee Class, making final declaratory or injunctive relief appropriate to the proposed Suspension Class as a whole and as to the proposed Reinstatement Fee Class as a whole.

For these reasons, and those in the supporting memorandum accompanying this motion, Plaintiffs White, Bellamy, and Carter respectfully ask the Court to certify the proposed Suspension Class and Reinstatement Fee Class under Rule 23(b)(2); appoint plaintiffs White, Bellamy, and Carter as representatives of the Suspension Class and as representatives of the Reinstatement Fee Class; and appoint the American Civil Liberties Union Foundation, the American Civil Liberties Union of South Carolina Foundation, Terrell Marshall Law Group

PLLC, the Southern Poverty Law Center, and South Carolina Appleseed Legal Justice Center as counsel for each Class.

DATED this 1st day of November, 2019.

Respectfully submitted by,

s/ Susan Dunn

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* Applications for pro hac vice admission filed.

** Applications for pro hac vice admission to be submitted.