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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Samuel Luckey and Aaron Dromiack,
on behalf of themselves and those
similarly situated, and

Arizona Attorneys for Criminal Justice,

Plaintiffs,

v.

Allister Adel, in her official capacity as
County Attorney for Maricopa County

Defendant.

No. CV21-01168-PHX-GMS (ESW)

**[PROPOSED] ORDER
GRANTING PLAINTIFFS’
MOTION FOR CLASS
CERTIFICATION**

The Court having reviewed Plaintiffs’ Motion for Class Certification (Doc. __) and supporting declarations, as well as Plaintiffs’ First Amended Complaint for Declaratory and Injunctive Relief (Doc. __), and good cause appearing in support thereof,

IT IS ORDERED that:

- (1) Plaintiffs’ Motion for Class Certification is **GRANTED**.
- (2) Pursuant to Federal Rule of Civil Procedure (“Rule”) 23, the Court hereby certifies the following two classes, which each satisfy the requirements of Rules 23(a), 23(b)(1), and 23(b)(2):
 - (a) The Pre-Waiver Class**, defined as all current and future people whom the Maricopa County Attorney’s Office (MCAO) has charged and assigned to the Early Disposition Courts (EDCs) and who are subject to MCAO’s blanket policy,

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practice, or custom of making or threatening to make plea offers harsher in response to people exercising their right to a preliminary hearing and/or trial, but who have not yet made the decision to affirm or waive their preliminary hearing, or reject or accept their initial plea offer; and

(b) The Post-Waiver Class, defined as all current and future people whom the MCAO has charged and assigned to Maricopa County’s EDCs, and who are subject to MCAO’s blanket policy, practice, or custom of making or threatening to make plea offers harsher in response to people exercising their right to a preliminary hearing and/or trial, but who have waived their preliminary and/or rejected their initial plea offer.

(3) Pursuant to Rule 23(g), the Court hereby appoints Plaintiffs’ counsel—the American Civil Liberties Union Foundation and the American Civil Liberties Union Foundation of Arizona—as class counsel for the Pre-Waiver Class and the Post-Waiver Class.

Hon. Eileen S. Willett
United States Magistrate Judge