

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

Tara Ballenger, individually and on behalf of	)	
those similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:13-cv-04177-NKL
	)	
County of Morgan, Missouri,	)	
	)	
Defendant.	)	

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**Motion for Class Certification**

Comes now Plaintiff, Tara Ballenger, pursuant to Fed. R. Civ. P. 23, and moves this Court for certification of a Plaintiff Class to include all current and future persons who mail, or will mail, books, publications, or other written materials to individuals detained in the Monroe County Adult Detention Center. In support, she states:

1. Like all persons who send written materials to detainees of the Monroe County Adult Detention Center, Plaintiff is not provided notice or the opportunity to be heard when written materials she mails are censored by the government.
2. In this action, Plaintiff seeks declaratory and injunctive relief individually and on behalf of all current and future persons who mail, or will mail, books, publications, or other written materials to individuals detained in the Monroe County Adult Detention Center, each of whom is subject to censorship without notice or the opportunity to be heard.
3. Class certification is important to protect the rights of senders of written materials, whose speech whose speech is censored by the government without notice and

without the opportunity to be heard.

4. For the reasons set forth in the Suggestions in Support filed herewith, certification of a Plaintiff Class consisting of all current and future persons who mail, or will mail, books, publications, or other written materials to individuals detained in the Monroe County Adult Detention Center is warranted in this case.

WHEREFORE Plaintiff respectfully requests that this Court:

- A. Grant her motion for class certification;
- B. Certify a Plaintiff Class of all current and future persons who mail, or will mail, books, publications, or other written materials to individuals detained in the Monroe County Adult Detention Center; appoint Plaintiff as representative of the Plaintiff Class; and appoint Plaintiff's counsel as counsel for the Plaintiff Class; and
- C. Allow Plaintiff such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Anthony E. Rothert  
ANTHONY E. ROTHERT, #44827  
GRANT R. DOTY, #60788  
AMERICAN CIVIL LIBERTIES  
UNION OF EASTERN MISSOURI  
454 Whittier Street  
St. Louis, Missouri 63108  
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Attorneys for Plaintiff

Certificate of Service

I certify that a copy of the foregoing was served upon defendants by placing the same in the First Class mail addressed as set forth below and by facsimile as set forth below on July 16, 2013:

County of Morgan, Missouri  
c/o Cathy Daniels, County Clerk  
Morgan County Courthouse  
100 East Newton  
Versailles, Missouri 65084

/s/ Anthony E. Rothert