

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

CHRISTINE COMAS, et al.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 10-4085-CV-C-MJW
	)	
KEITH SCHAEFER,	)	
in his Official Capacity as Director of	)	
Missouri Department of Mental Health, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On February 23, 2012, plaintiffs presented an amended motion for certification of a plaintiff class (Doc. 124), pursuant to Rule 23(a), (b)(2) and (c)(1) of the Federal Rules of Civil Procedure. For settlement purposes only, defendants have agreed to the certification of a plaintiff class as defined in ¶ 2 below, though not to the supporting findings set forth in ¶ 1 below. For settlement purposes only, defendants also agree that the following attorneys should be appointed as class counsel for the plaintiff class, pursuant to Rule 23(g) of the Federal Rules of Civil Procedure: Kenneth M. Chackes, Robert E. Lehrer, and John J. Ammann.

Based on plaintiffs' amended motion and the authorities cited or referenced there, and also on defendants' agreement as described above, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

1. The plaintiff class as defined in ¶ 2 below is so numerous (exceeding 1200 persons) that joinder of all members is impractical; there are questions of law or fact common to the class; the claims of the representative parties (Christine Comas; Michael Randy Gilmartin, by his guardian ad litem, DeLinda Belanger; Jaymi Smith; Kim Smith, by her mother and guardian, Betty Jo Ann Nelson; B.C., by her mother and next friend, Joanna Campbell; M.K., by her mother and next friend, Julie Kocher; Alex Cerame, by his mother and next friend, Sheri Cerame; Sean Cheek; Ann Forbes and Gregory Forbes, husband and wife; Chrystal Bumphrey, by her mother and legal guardian, Jennifer Bumphrey; Greg Mosley; Darren Politte) are typical

of the claims of the plaintiff class; and the representative parties will fairly and adequately protect the interests of the class. Further, defendants have acted or refused to act on grounds that apply generally to the class, making the relief afforded by the Agreement appropriate respecting the class a whole. Finally, based on the declarations submitted to the court in support of plaintiffs' initial motion for class certification (Doc. 16) by three of plaintiffs' counsel (Kenneth M. Chackes, Robert E. Lehrer, and John J. Ammann), which declarations attest to these attorneys' extensive experience in the litigation of civil rights cases, including class actions, these three attorneys are qualified to act as class counsel.

2. Pursuant to Rule 23(a), (b)(2) and (c), a plaintiff class is certified in this case, defined as follows:

All persons residing in Missouri on or after April 26, 2005, who: (a) have been, are, or will be deaf, that is, are persons who because of a hearing loss, are not able to discriminate speech when spoken in a normal conversational tone regardless of the use of amplification devices; and (b) have been, are, or will be eligible for services, from or through the Missouri Department of Mental Health and/or the Missouri Department of Social Services (including from administrative agents of DMH), that diagnose mental illness and/or treat it.

3. Pursuant to Rule 23(g), the following attorneys are appointed as class counsel for the plaintiff class: Kenneth M. Chackes; Robert E. Lehrer; John J. Ammann.

Dated this 29<sup>th</sup> day of February, 2012, at Jefferson City, Missouri.

/s/ Matt J. Whitworth

MATT J. WHITWORTH  
United States Magistrate Judge

Agreed as to Form and Content:

Plaintiffs by:

/s/Kenneth M. Chackes  
One of Plaintiffs' Attorneys

Dated: 2/10/12

Defendants by:

/s/ Joanna L.W. Trachtenberg  
Attorney for the DMH Defendants

Dated: 2/10/12

/s/ Sara E. Dick  
Attorney for the DSS Defendants

Dated: 2/10/12