

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

EDDIE ANDREWS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 06-CV-460-TCK-PJC
)	
UNITED STATES, et al.,)	
)	
Defendants.)	

**DEFENDANT EDMONDSON’S RESPONSE IN OPPOSITION TO
PLAINTIFF’S MOTION TO CERTIFY CLASS ACTION**

Defendant Edmondson, through the undersigned counsel, respectfully submits this Response in Opposition to Plaintiff Carl Weston’s Motion to Certify Class Action (Doc. 12) and respectfully request that Plaintiff Weston’s motion be denied.

Plaintiff Weston requests that Plaintiffs be permitted to bring this action as a class action. However, Plaintiff Weston has not demonstrated that there is a representative whose claims are typical of the claims of the proposed class. *See* Rule 23(a)(3) of the Federal Rules of Civil Procedure. In addition, he has not demonstrated that he or another representative could fairly and adequately protect the interests of the class as required by Rule 23(a)(4). *See McGrew v. Texas Board of Pardons and Paroles*, 47 F.3d 158, 162 (5th Cir. 1995). Finally, Plaintiff Weston has not demonstrated that questions of law or fact common to the members of the proposed class would predominate over questions affecting only individual members. *See* Rule 23 (b)(3). In fact, as asserted in Defendant Edmondson’s dispositive motion, Plaintiffs have failed to adequately and clearly present any valid cause of action in their pleadings.

Based on these grounds, Plaintiff Weston’s request for class certification should be denied.

Respectfully submitted,

s/ Linda Soper

LINDA SOPER, OBA #14127

Assistant Attorney General

Oklahoma Attorney General's Office

Litigation Division

4545 N. Lincoln Blvd., Suite 260

Oklahoma City, Oklahoma 73015

Tele: (405) 521-4274 Fax: (405) 528-1867

Attorney for Oklahoma Attorney General Edmondson

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2006, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and served the attached document by U.S. Mail, postage prepaid, on the following persons who are not registered participants of the ECF System:

Eddie Andrews
P.O. Box 1132
Catoosa, OK 74015

Carl Weston
2851 N. Hwy. 66 # 18
Catoosa, OK 74015

Rodney Class
P.O. Box 435
High Shoals, NC 28077

Dwight L. Class
1200 Hospital Dr., Apt. 13
Angleton, TX 77515

Angela S. Andrews
P.O. Box 1132
Catoosa, OK 74015

Maria Janet Moffitt
P.O. Box 4036
Bremerton, WA 98132

Richard Andrews
P.O. Box 1132
Catoosa, OK 74015

Sherwood T. Rodrigues
1610 Shenandoah Ct.
Petaluma, CA 94954

s/ Linda Soper

Linda Soper