

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

LAURIE TARDIFF, individually and on
behalf of others similarly situated,

Plaintiffs

v.

Civil No. 02-251-P-C

KNOX COUNTY, DANIEL DAVEY, in his
individual capacity and in his official capacity
as Knox County Sheriff,

Defendants

Gene Carter, Senior District Judge

PROCEDURAL ORDER AND ORDER TO SHOW CAUSE

The Court having now recently reviewed the pretrial preparation of the parties, the discovery activities and motion filings to date, the Court now **FINDS** that, on the presently existing record, as to the questions of which individuals factually qualify for class membership herein, it is now clear that (1) the questions of law or fact common to the membership of the class on issues of liability do not predominate over the multitude of factual questions that affect potential, individual members of the class for purposes of determining membership in the class and the amount of recoverable compensatory, nominal and punitive damages of individual class members, if any, and (2) that a class action is not superior to other available methods for the fair and sufficient adjudication of existing controversies as to class membership and determination of individual amounts of recoverable compensatory and punitive damages. *See* Fed.R.Civ.P. 23(b)(3).

Therefore, the Court now gives **NOTICE** to counsel that it proposes to rescind, prior to trial, its prior order in the Report of Final Pretrial Conference and Order (Docket Item No. 181), at 3, then vacating the prior bifurcation of liability and damages issues for purposes of further discovery, pretrial preparation, and trial and to decertify the class as to all issues of (1) eligibility of individuals for class membership, and (2) determination of the amount of recoverable compensatory, nominal and punitive damages, if any, that individual class members are entitled to recover and to order that the case proceed to trial on October 3, 2006 as a class action on only the remaining outstanding liability issues, other issues to be **RESERVED** for subsequent resolution by a procedure to be set by the Court after hearing counsel thereon.

It is hereby **ORDERED** that if any party has objection to the above proposed course of action, such party shall **SHOW CAUSE** in writing, if any there be, to be filed on or before September 13, 2006, setting forth in detail, with supporting argument and citations, the asserted reasons why such course of action should not be pursued. The opposing counsel may respond to such filing within five (5) days of its filing. In default of such filing, the Court will enter a Procedural Order on September 14, 2006, formalizing its proposed course of action as indicated above.

SO ORDERED.

/s/Gene Carter _____
GENE CARTER
Senior U.S. District Court Judge

Dated at Portland, Maine this 5th day of September, 2006.

Plaintiff

LAURIE TARDIFF

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Defendant

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*In His Individual Capacity, and in
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Defendant

JANE DOE
In Her Individual Capacity
TERMINATED: 04/19/2006

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Defendant

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