

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

MICHAEL HASKEN, et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:00CV-546-S

THE CITY OF LOUISVILLE

DEFENDANT

MEMORANDUM OPINION

This matter is before us on the motion of the plaintiffs, Michael Hasken and Gregg Hasken, for class certification pursuant to Fed. R. Civ. P. 23 (a) and 23 (b) (1). *See* DN 70. The defendant opposes class certification at this time on the basis that certification is premature. *See* DN 73.

Before a district court may certify a class, the putative class members must demonstrate that the four prerequisites listed in Rule 23 (a), numerosity, commonality, typicality, and adequacy of representation, have all been met. *See In re American Medical Systems, Inc.*, 75 F.3d 1069, 1079 (6th Cir. 1996). In making this determination, a district court must conduct a “rigorous analysis” of the factual record. *Id.* at 1078-79 (citing *General Tel. Co. v. Falcon*, 457 U.S. 147, 161, 102 S.Ct. 2364, 72 L.Ed.2d 740 (1982)). While this determination may occasionally be made solely on the basis of pleadings filed with the court, “ordinarily the determination should be predicated on more information than the pleadings will provide.” *Weathers v. Peters Realty Corp.*, 499 F.2d 1197, 1200 (6th Cir. 1974) (citation omitted).

We find that the factual record, as it now exists, provides insufficient information on which to base a finding that the Rule 23 (a) prerequisites have been met. Therefore, we will deny the plaintiffs’ motion for class certification. However, because the discovery process is currently in its infancy, the plaintiffs will be given leave to renew their motion at the close of discovery, provided that such a renewed motion for class certification is supplemented with “an adequate statement of

the basic facts to indicate that each requirement of the rule is fulfilled.” *Weathers*, 499 F.2d at 1200.

A separate order will be entered this date in accordance with this opinion.

IT IS SO ORDERED this _____ day of _____, 2001.

CHARLES R. SIMPSON III, CHIEF JUDGE
UNITED STATES DISTRICT COURT

cc: Counsel of Record

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ORDER

Motion having been made, and the court being otherwise sufficiently advised, and for the reasons set forth in the accompanying memorandum opinion, **IT IS HEREBY ORDERED AND ADJUDGED** that the motion of the plaintiffs, Michael Hasken and Gregg Hasken, for class certification is **DENIED**.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiffs may, at the close of discovery, **RENEW** their motion for class certification with the court.

IT IS SO ORDERED this ____ day of _____, 2001.

CHARLES R. SIMPSON III, CHIEF JUDGE
UNITED STATES DISTRICT COURT

cc: Counsel of Record