IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

SIERRAH CORONELL and DIANE HOLSEY, *on behalf of themselves and others similarly situated*, and WOMEN ON THE RISE, *on behalf of itself*, *Plaintiffs*, v. STATE OF GEORGIA *Defendant*.	Case No. 2025-cv-005987

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Pursuant to O.C.G.A. § 9-11-23, Plaintiffs Sierrah Coronell, Diane Holsey, and Women on the Rise, by and through undersigned counsel, hereby respectfully move this Court for the entry of an Order certifying this matter as a class action under O.C.G.A. § 9-11-23(b)(2) and designating undersigned counsel as class counsel. The grounds for this motion are set forth in the attached Memorandum and accompanying Declaration in support.

WHEREFORE, Plaintiffs respectfully move this Court to:

1. Enter an Order certifying the class pursuant to O.C.G.A. § 9-11-23(b)(2), with the following class definition:

   All people, since July 1, 2024, who are or will be charged with any bail-restricted offense added to O.C.G.A. § 17-6-12(a)(1) by 2024 Georgia Laws Act 507 (S.B. 63), and, as a result, have been or will be denied consideration of release on unsecured bond and unsecured judicial release pursuant to O.C.G.A. § 17-6-12(d).

2. Designate undersigned counsel as class counsel.

Respectfully submitted this 2nd day of May 2025,

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**Pro hac vice application forthcoming*

IN THE SUPERIOR COURT OF FULTON COUNTY
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SIERRAH CORONELL and DIANE HOLSEY, *on behalf of themselves and others similarly situated*, and WOMEN ON THE RISE, *on behalf of itself*, *Plaintiffs*, v. STATE OF GEORGIA *Defendant*.	Case No. 2025-cv-005987

MEMORANDUM IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Table of Contents

Page

Table of Authorities

Page

Cases

Statutes

Other Authorities

Constitutional Provisions

Pursuant to O.C.G.A. § 9-11-23 ("Rule 23"), Plaintiffs Sierrah Coronell and Diane Holsey ("Named Plaintiffs"), on behalf of themselves and all others similarly situated, and Plaintiff Women on the Rise, respectfully submit this memorandum in support of their Motion for Class Certification. The Court should certify the proposed class because the proposed class satisfies Rule 23's requirements and this action can be most efficiently resolved as a class action.

INTRODUCTION AND SUMMARY OF ARGUMENT

Senate Bill 63 ("S.B. 63") added thirty new offenses—most of which are misdemeanors[1]—to the Code's preexisting list of bail-restricted offenses. *See* O.C.G.A. § 17-6-12(a)(1). Named Plaintiffs, as with all others who are or will be charged with a bail-restricted offense under S.B. 63, are eligible for pretrial release from jail only by secured bond ("cash bond"), professional bondsmen ("bondsmen"), or property (collectively, "secured conditions of release"). O.C.G.A. § 17-6-1(i). Secured conditions of release require the accused to post cash bond or collateral upfront to secure their release, whereas unsecured conditions of release permit the accused to promise payment should they fail to appear in court or otherwise violate the conditions of their release.

S.B. 63 prohibits judges from conducting individualized assessments of whether less-restrictive, unsecured conditions of release would reasonably satisfy the State's interests in assuring future court appearance and public safety when setting bail for Named Plaintiffs and putative class members.

By uniformly mandating the imposition of one of the most—if not *the* most—restrictive of release conditions, S.B. 63 infringes on Plaintiffs' constitutionally protected interest in pretrial

[1] S.B. 63 added 10 pure misdemeanor offenses to the bail-restricted offenses list and nine other offenses that can be either a felony or misdemeanor, depending on the severity of the offense (i.e., first degree, second degree, etc.) and/ or an individual's conviction history for that same offense. 2024 Ga. Laws 507, § 3, at 506–508 (codified at O.C.G.A. § 17-6-12 (2024)).

liberty by unduly risking the imposition of an overly restrictive condition of release. Secured conditions of release require upfront payment and therefore delays the release of putative class members or prevents it altogether. Ga. Const. art. I, § I, para. I. The putative class seeks a permanent injunction and a declaratory judgment that S.B. 63 violates due process under Article I, Section 1, Paragraphs I of the Georgia Constitution.

The proposed class satisfies the requirements of Rule 23. Joinder is impracticable because in Georgia, hundreds, if not thousands, of people are charged with a bail-restricted offense on any given day. The claims of Named Plaintiffs' are common to and typical of the class they seek to represent. And Named Plaintiffs and their counsel will adequately represent the interests of the class. O.C.G.A. § 9-11-23(a)(1)–(4). S.B. 63 is enforced in a manner that applies generally to the class, making final injunctive and declaratory relief appropriate under Rule 23 (b)(2). O.C.G.A. § 9-11-23(b)(2). The Court should therefore certify the class.

CLASS DEFINITION

Named Plaintiffs seek to represent a class of people pursuant to O.C.G.A. § 9-11-23(b)(2), with undersigned counsel serving as class counsel.

Plaintiffs seek to certify a class defined as:

> All people, since July 1, 2024, who are or will be charged with any bail-restricted offense added to O.C.G.A. § 17-6-12(a)(1) by 2024 Georgia Laws Act 507 (S.B. 63), and, as a result, have been or will be denied consideration of release on unsecured bond and unsecured judicial release pursuant to O.C.G.A. § 17-6-12(d).

LEGAL STANDARD

O.C.G.A. § 9-11-23(c)(1) authorizes Georgia courts to determine, "[a]s soon as practicable after the commencement of an action brought as a class action . . . whether it is to be so maintained." To obtain class certification, Plaintiffs must satisfy the "four requirements of O.C.G.A. § 9-11-23(a)—numerosity, commonality, typicality, and adequacy of representation—

in addition to one of several requirements under O.C.G.A. § 9-11-23(b)." *Vest Monroe, LLC v. Doe*, 319 Ga. 649, 652 (2024) (internal citations and quotations omitted).

As relevant here, O.C.G.A. § 9-11-23(b)(2) allows class certification if "[t]he party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole[.]" O.C.G.A. § 9-11-23 (b)(2).

ARGUMENT

I. The Proposed Class Satisfies the Requirements of O.C.G.A. § 9-11-23(a).

The proposed class satisfies the four prerequisites under O.C.G.A. § 9-11-23(a) for class certification. Those prerequisites are (1) numerosity, meaning that the class is so numerous as to make it impracticable to bring all of the members before the court; (2) commonality, that there are questions of law and fact common to the prospective class members; (3) typicality, that the claims of Plaintiffs are typical of the claims of the prospective class members; and (4) adequacy of representation, that the Plaintiffs and their counsel will adequately represent the interests of the class. *See* O.C.G.A. § 9-11-23(a)(1)–(4). *See also Vest Monroe*, 319 Ga. at 652; *Liberty Lending Servs. v. Canada*, 293 Ga. App. 731, 735–36 (2008).

A. The Proposed Class Satisfies the Numerosity Requirement Because Joinder of All Members Is Impracticable.

The proposed class satisfies the requirement that a class be "so numerous that joinder of all members is impracticable[.]" O.C.G.A. § 9-11-23(a)(1). "'In order to satisfy th[e numerosity] requirement, [a class action plaintiff] need not allege the exact number and identity of the class members, but must only establish that joinder is impracticable through some evidence or reasonable estimate of the number of purported class members.'" *Brenntag Mid S., Inc., v. Smart*, 308 Ga. App. 899, 903 (2011) (internal quotations and citations omitted). Although Georgia law

does not impose any specific numerical threshold, *see* § 9-11-23(a)(1), where, as here, the proposed class includes more than forty members, "impracticability of joinder is generally presumed." *City of Roswell v. Bible*, 351 Ga. App. 828, 833 (2019) (quoting *Am. Debt Found., Inc. v. Hodzic*, 312 Ga. App. 806, 809 (2011)).

The proposed class easily meets the numerosity requirement. In January 2025, in Fulton County alone, there were over three hundred people who were charged exclusively with one or more S.B. 63 bail-restricted offense and detained on cash bond. *See* J. Clark Decl. ¶¶ 4–5 (attached hereto as Ex. A). That is well over the size of proposed classes deemed sufficiently numerous by Georgia courts and federal courts in similar cases challenging the constitutionality of bail-setting practices. *See, e.g.*, *Sta-Power Indus., Inc. v. Avant*, 134 Ga. App. 952, 954–55 (1975) (discussing cases where classes were certified with 25, 35, and 40 class members, and certifying a class of approximately 250 members); *ODonnell v. Harris Cnty., Texas*, No. CV H-16-1414, 2017 WL 1542457, at *4 (S.D. Tex. Apr. 28, 2017) (finding numerosity satisfied based on evidence of over 1,600 people detained pretrial); *Walker v. City of Calhoun, Georgia*, No. 4:15-CV-170, 2016 WL 361580, at *6 (N.D. Ga. Jan. 28, 2016) (finding joinder impracticable because "the number of class members would consist of approximately 200 individuals in a given year[]"); *Booth v. Galveston Cnty.*, No. 3:18-CV-00104, 2019 WL 1129492, at *3 (S.D. Tex. Mar. 12, 2019), *vacated on other grounds*; No. 19-40395, 2022 WL 2702059 (5th Cir. July 12, 2022) (concluding that the test for impracticability of joinder was met where there were "hundreds, possibly thousands of potential class members" cycling through the jail); *Holland v. Steele*, 92 F.R.D. 58, 63 (N.D. Ga. 1981) (finding that joinder was "certainly impracticable" where the proposed class was comprised of at least 40 people "presently in the jail and those inmates or detainees who will be housed there in the future"). That number does not include putative class members in Fulton County who were

charged with a bail-restricted offense and who have been released but who are still subject to overly restrictive conditions—let alone the similarly situated individuals in Georgia's other 158 counties. The actual number of people statewide who have been charged with a bail-restricted offense, and therefore denied consideration of unsecured release, is even higher.

Due to the evidence indicating the large number of putative class members, trying the instant matter as a single class action serves judicial economy. Separately bringing individual actions challenging the statute would create an immense burden on Georgia's courts and the parties. Additionally, the criminal cases of putative class members may resolve before they have a chance to file suit, making individual actions impracticable. Cases such as this one are well suited for certification under Rule 23. *See Henderson v. Thomas*, 289 F.R.D. 506, 510 (M.D. Ala. 2012) (observing that the "fluid nature of a plaintiff class—as in the prison-litigation context—counsels in favor of certification . . . ."); *Holland v. Steele*, 92 F.R.D. at 63; William Rubenstein, et al., 1 Newberg and Rubenstein on Class Actions § 3:15 (6th ed. 2022) (observing that the inclusion of future class members "may make class certification more, not less, likely.").

Here, the proposed class is well over forty people and constantly in flux, rendering joinder impracticable. Accordingly, numerosity is met.

B. The Proposed Class Satisfies the Commonality Requirement Because Claims of the Proposed Class Raise Common Questions That Will Generate Common Answers.

The proposed class also satisfies Rule 23(a)(2)'s requirement of presenting "questions of law or fact common to the class." O.C.G.A. § 9-11-23(a)(2). To meet this requirement, the class members' claims must depend upon a "common contention" that is "capable of classwide resolution—which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke." *Rice v. Fulton Cnty.*, 370 Ga. App. 353, 356 (2024) (quoting *Bowden v. Med. Ctr., Inc.*, 309 Ga. 188, 194–95 (2020)), *cert. denied*

(Oct. 1, 2024) . It is well established that the commonality requirement is "a relatively low bar of proof and even a single common question will do." *Id.* (internal quotations and citations omitted).

Indeed, "it is not necessary to prove that all questions of law and fact are common to every member of the class." *Atlanta Impound, Inc. v. Attica*, No. A24A1394, 2025 WL 760904, at *4 (Ga. Ct. App. Mar. 11, 2025) (citing *Brenntag Mid S., Inc. v. Smart*, 308 Ga. App. 899, 903 (2011)). "Rather, the rule requires only that resolution of the common questions affect all or a substantial number of the class members." *Id*. (internal quotations and citations omitted). "[W]hat matters to class certification . . . [is] the capacity of a classwide proceeding to generate common *answers* apt to drive the resolution of the litigation." *Rice v. Fulton Cnty.*, 370 Ga. App. at 356 (quoting *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350 (2011) (emphasis in original)). "Generally, this requires the plaintiff to demonstrate that the class members have suffered the same injury." *Id.* (internal quotations and citations omitted).

Here, the proposed class satisfies commonality because the Named Plaintiffs allege the same harm as the proposed class resulting from the same mandatory provision of S.B. 63. That harm is the deprivation of due process stemming from the statute's requirement that judges impose secured bond without any consideration of less restrictive release conditions. Plaintiffs challenge a single unlawful statute—S.B. 63. Plaintiffs' claims turn on whether S.B. 63 violates the right to due process and the right to be free from excessive bail by prohibiting consideration of unsecured judicial release. This case goes far beyond the "single common question [that] will do." *See Wal-Mart*, 564 U.S. at 359 (cleaned up).

Among the common questions of law with respect to the class are:

- Whether S.B. 63 facially violates procedural due process under Article I, Section 1, Paragraph I of the Georgia Constitution by requiring judges to impose secured bond without consideration of less restrictive, unsecured conditions of release.
- Whether S.B. 63 facially violates substantive due process under Article I, Section 1, Paragraph I of the Georgia Constitution by requiring judges to impose secured bond without consideration of less restrictive, unsecured conditions of release.

Named Plaintiffs bring the same constitutional challenges to the same bail-setting statute, S.B. 63. The resolution of these questions is a prerequisite to the adjudication of each class member's claim, and these questions can be resolved for the "class as a whole." *Wal-Mart*, 564 U.S. at 360. The individual circumstances of each putative class member—including ability to pay, which bail-restricted offense(s) they were charged with, and time spent in detention, if any—are irrelevant to the question of whether S.B. 63 is facially constitutional. *See, e.g.*, *Buford v. H & R Block, Inc.*, 168 F.R.D. 340, 349 (S.D. Ga. 1996), *aff'd sub nom. Jones v. H & R Block Tax Servs.*, 117 F.3d 1433 (11th Cir. 1997) (cleaned up)) ("[E]ven though individual factual circumstances may be present among class members, the commonality requirement is satisfied where it is alleged that the defendants have acted in a uniform manner with respect to the class."); *Bradley v. Harrelson*, 151 F.R.D. 422, 426 (M.D. Ala. 1993) ("Though there certainly may be some factual differences between the individual class members . . . such individual differences do not defeat certification because there is no requirement that every class member be affected by the institutional practice or condition in the same way."); *Hoffer v. Jones*, 323 F.R.D. 694, 697–98 (N.D. Fla. 2017) (explaining that whether defendant's "policy of non-treatment" of prisoners diagnosed with hepatitis C virus constitutes an Eighth Amendment violation or discrimination under the Americans with Disabilities Act was a question "subject to classwide resolution,"

notwithstanding the individual differences in symptoms and treatment considerations among the class members). Accordingly, the proposed class satisfies the commonality requirement of Rule 23 (a)(2).

C. The Proposed Class Satisfies the Typicality Requirement Because the Claims of Named Plaintiffs Are Typical of the Class They Seek to Represent.

Named Plaintiffs' claims are also "typical of the claims . . . of the class." O.C.G.A. § 9-11-23(a)(3). Overlapping with the commonality requirement, typicality requires that there be a "nexus between the class representative's claims or defenses and the common questions of law or fact which unite the class." *Vest Monroe, LLC,* 319 Ga. at 655 (quoting *Kornberg v. Carnival Cruise Lines, Inc.*, 741 F.2d 1332, 1337 (11th Cir. 1984)). As with commonality, "factual variation will not render a class representative's claim atypical unless the factual position of the representative markedly differs from that of other members of the class." *Id.* Indeed, the typicality requirement "is not demanding[.]" *City of Roswell v. Bible*, 351 Ga. App. at 834–35 (citing *Ault v. Walt Disney World Co.*, 692 F.3d 1212, 1216 (11th Cir. 2012)). So long as the "claims . . . of the class and the class representative arise from the same event or pattern or practice and are based on the same legal theory," *id*. (internal quotation marks omitted), the typicality requirement is satisfied.

Here, Named Plaintiffs' claims are typical of the claims of the proposed class members. As explained above, the claims of Named Plaintiffs arise from the same unlawful statute—S.B. 63—and are based on the same legal theories for every member of the putative class. Also, Named Plaintiffs and all proposed class members suffered the same injury—infringement of their constitutionally-protected interest in pretrial liberty due to S.B. 63's denial of individualized consideration of less-restrictive release conditions. *See* Compl. ¶¶ 14–15, 29–37. Finally, Named Plaintiffs seek remedies that would benefit all class members: a single declaration that S.B. 63 is unconstitutional and an injunction prohibiting its enforcement.

Named Plaintiffs challenge the same law with the same legal claims as the proposed class members. In so doing, they allege an injury that is common to all class members and seek relief that would benefit the entire class. Accordingly, the typicality requirement is met.

D. The Proposed Class Satisfies the Adequacy Requirement Because Named Plaintiffs Will Fairly and Adequately Protect the Interests of the Class.

Finally, Named Plaintiffs also will "fairly and adequately protect the interests of the class." O.C.G.A. § 9-11-23 (a)(4). This inquiry "serves to uncover conflicts of interest between named parties and the class they seek to represent." *Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 625 (1997); *Endochoice Holdings, Inc. v. Raczewski*, 351 Ga. App. 212, 215 (2019). It also assesses whether "plaintiffs' counsel is experienced and competent . . .." *Endochoice Holdings*, 351 Ga. App. at 215.

1. Named Plaintiffs Have Common Interests with Unnamed Members of the Class.

Named Plaintiffs do not have antagonistic or competing interests with putative class members. Named Plaintiffs and putative class members face the prospect of the same harms. They assert the same legal claims, seek the same litigation outcomes, and would benefit from the same declaratory and injunctive relief. Moreover, Named Plaintiffs are not seeking monetary relief, so there is no risk that a financial conflict would arise between Named Plaintiffs and other class members. Thus, there is no conflict between Named Plaintiffs and unnamed class members.

2. Named Plaintiffs Will Vigorously Prosecute the Interest of the Class Through Qualified Counsel.

As the proposed class representatives, Named Plaintiffs are competent to represent the class. The Named Plaintiffs not only share the same interests and injuries as the class, but have also agreed to act in a representative capacity and prosecute this case as a class action.

Plaintiffs' counsel from the American Civil Liberties Union Foundation, the American Civil Liberties Union Foundation of Georgia, and the Southern Center for Human Rights are highly qualified. Counsel from all three organizations are experienced litigators, most of whom have specific expertise in representing the accused, incarcerated people, and/or civil rights plaintiffs, and most of whom have extensive experience in class-action litigation, including actions challenging unconstitutional bail-setting practices. As reflected in the Complaint, counsel for Plaintiffs have also committed substantial time and resources to the matter and will continue to do so. Counsel for Plaintiffs know of no conflicts among class members or between attorneys and class members. For all these reasons, Named Plaintiffs and their counsel meet the requirements of Rule 23 (a)(4).

II. Class Certification Is Appropriate Under O.C.G.A. § 9-11-23(b)(2).

In addition to satisfying the four criteria of Rule 23 (a), this class qualifies for certification under Rule 23(b)(2). O.C.G.A. § 9-11-23(a)(1)–(4), (b)(2). That rule permits certification where, as here, "the party opposing the class has acted or refused to act on grounds that apply generally to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole." *Id.* § 9-11-23(b)(2). As the United States Supreme Court has explained, "[t]he key to the (b)(2) class is the indivisible nature of the injunctive or declaratory remedy warranted—the notion that the conduct is such that it can be enjoined or declared unlawful only as to all of the class members or as to none of them." *Wal-Mart*, 564 U.S. at 360 (cleaned up). The requirement of a generally applicable set of actions "ensures that the class's interests are related in a manner that makes aggregate litigation appropriate . . . and therefore efficient." Rubenstein, et al., *supra*, § 4:28.

Civil rights class actions seeking injunctive and declaratory relief are "prime examples" of the types of actions that Rule 23(b)(2) provides for. *Wal-Mart*, 564 U.S. at 361. *See also* Rubenstein, et al., *supra*, § 1:3 ("This category is typically employed in civil rights and other cases where monetary relief is not the primary remedy. The (b)(2) class action is often referred to as a 'civil rights' or 'injunctive' class suit."); *Id.*, § 4:40 ("While civil rights cases are often maintained against public and private defendants under civil rights *statutes*, many (b)(2) class actions challenge government actions on *constitutional* grounds as well.") (emphasis in original). Rule 23(b)(2) classes seek "an indivisible injunction benefitting all its members at once," individualized inquiries into "whether class issues predominate" are unnecessary, and "[p]redominance and superiority are self-evident." *Wal-Mart*, 564 U.S. at 361–63 (emphasizing the importance of classwide relief based on the structure of Rule 23(b)(2) and noting the Rule's historical basis in civil rights cases). Indeed, courts have held that civil rights class actions seeking declaratory and injunctive relief are the paradigmatic Rule 23(b)(2) suits. *See, e.g.*, *Atlanta Postal Credit Union v. Cosby*, 912 S.E.2d 137, 145 (Ga. Ct. App. 2025), *reconsideration denied* (Mar. 14, 2025) (quoting *Wal Mart*, 564 U.S. at 360–361); *Holmes v. Cont'l Can Co.*, 706 F.2d 1144, 1152 (11th Cir. 1983) ("Civil rights class actions . . . are generally treated under subsection (b)(2) of Rule 23."); *Braggs v. Dunn*, 317 F.R.D. 634, 667 (M.D. Ala. 2016) (internal quotations and citations omitted) ("Rule 23(b)(2) has been liberally applied in the area of civil rights[.]"); *Kincade v. Gen. Tire & Rubber Co.*, 635 F.2d 501, 506 n.6 (5th Cir. 1981)[2] (quoting 7A C. Wright & A. Miller, *Federal Practice & Procedure* § 1775 (3d ed.)) ("(S)ubdivision (b)(2) was added to Rule 23 in 1966 primarily to facilitate the bringing of class actions in the civil rights area."); *Baby Neal for & by Kanter v.*

[2] The Eleventh Circuit has adopted as binding precedent all Fifth Circuit decisions issued before October 1, 1981. This includes *Kincade*, which was issued on January 30, 1981. *Bonner v. City of Prichard, Ala.*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc).

Casey, 43 F.3d 48, 58–59 (3d Cir. 1994) ("It is the (b)(2) class which serves most frequently as the vehicle for civil rights actions and other institutional reform cases that receive class action treatment.").

The class is exactly the type that Rule 23(b)(2) provides for. The class's interests are sufficiently related to warrant aggregate litigation. The State of Georgia has acted on grounds that generally apply to the class, the State enacted an unconstitutional bail statute that applies to everyone in the State who is charged with a bail-restricted offense, Plaintiffs and putative class members alike. The requested relief—declaring S.B. 63 unconstitutional and a single injunction enjoining its enforcement—would benefit all class members. *See Atlanta Postal Credit Union v. Cosby*, 912 S.E.2d at 145 ("Rule 23 (b)(2) applies only when a single injunction or declaratory judgment would provide relief to each member of the class."). Furthermore, it is far more efficient for this Court to grant declaratory relief and injunctive relief protecting all class members than to hear individual suits piecemeal. Accordingly, Rule 23(b)(2) is satisfied.

CONCLUSION

For the foregoing reasons, and as provided in the Proposed Order attached hereto as Exhibit B, Plaintiffs respectfully request that the Court certify the class as defined in this Motion and designate undersigned counsel as class counsel.

[Signatures on following page]

Respectfully submitted this 2nd day of May 2025,

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Attorneys for Plaintiffs

**Pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that Plaintiffs will serve this motion simultaneously with service of the summons and complaint on an appropriate designee of the Office of the Attorney General of the State of Georgia pursuant to O.C.G.A. § 50-21-35(a).

/s/ Julian Clark
Julian Clark

Exhibit A

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

SIERRAH CORONELL and DIANE HOLSEY, *on behalf of themselves and others similarly situated*, and WOMEN ON THE RISE, *on behalf of itself,* *Plaintiffs,* v. STATE OF GEORGIA *Defendant.*	Case No. 2025-cv-005987

DECLARATION OF JULIAN CLARK

I, Julian Clark, declare under penalty of perjury that the following is true and correct:

1. I am over 18 years of age and a resident of Kings County, New York. I make this declaration based on my personal knowledge of the matters described.
2. I am a member of the New York bar, and I am admitted to the United States District Court for the Western District of New York and the United States District Court for the Eastern District of Michigan.
3. I have been admitted to practice *pro hac vice* in this Court in one prior case, *Barred Business Foundation v. Willis*, No. 24-cv-003278 (Mar. 13, 2024). I have a forthcoming application to practice *pro hac vice* in this case, and I am one of the attorneys for the Plaintiffs in this matter.

4. I personally reviewed data and information collected from the Fulton County Sheriff's "Inmate Search" website.[1] The data include people who were booked into Fulton County jails between January 1, 2025, and January 30, 2025, and details their names, charges, bond type, bond amount, booking date, and release date (if applicable).

5. The data shows that from January 1, 2025, to January 30, 2025, there were over three hundred people booked into Fulton County jails who were charged exclusively with one or more S.B. 63 bail-restricted offense, and who were being held on a cash bond.

Executed in Kings County, New York, on May 2, 2025.

Julian Clark

May 2, 2025

Julio T. Nimbley
Notary Public, State of New York
Reg. No. 01N16383630
Qualified in Kings County
Commission Expires 11/19/2026

1 https://portal-gafulton.tdr.tylerhosting.cloud/PublicAccess/PAJailManager/default.aspx

Exhibit B

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

SIERRAH CORONELL and DIANE HOLSEY, *on behalf of themselves and others similarly situated*, and WOMEN ON THE RISE, *on behalf of itself*, *Plaintiffs,* v. STATE OF GEORGIA *Defendant*.	Case No. 2025-cv-005987

[PROPOSED] ORDER GRANTING CLASS CERTIFICATION

For the reasons stated in the accompanying opinion, it is:

ORDERED that Plaintiffs' Motion for Class Certification is GRANTED; and it is further

ORDERED that this case is certified as a class action pursuant to O.C.G.A. § 9-11-23(b)(2)), with the following class definition:

> All people, since July 1, 2024, who are or will be charged with any bail-restricted offense added to O.C.G.A. § 17-6-12(a)(1) by 2024 Georgia Laws Act 507 (S.B. 63), and, as a result, have been or will be denied consideration of release on unsecured bond and unsecured judicial release pursuant to O.C.G.A. § 17-6-12(d).

ORDERED that Plaintiffs' counsel are appointed to serve as class counsel.

Date:_____

_____
Judge
Superior Court of Fulton County