

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

Favian Busby and Michael Edgington, *on
their own behalf and on behalf of those
similarly situated*;

Petitioners-Plaintiffs,

v.

Floyd Bonner, Jr., *in his official capacity*,
Shelby County Sheriff, and the Shelby County
Sheriff's Office,

Respondents-Defendants.

Case No. _____

MOTION FOR EXPEDITED CONSIDERATION

Favian Busby and Michael Edgington, on their own behalves, and on behalf of those similarly situated (“Plaintiffs”), by and through their undersigned attorneys, hereby move this Court pursuant to Federal Rule of Civil Procedure 6(c)(1)(C), for an order to expedite any necessary briefing and consideration of their Motion for Temporary Restraining Order and Motion for Class Certification. In support of these Motions, Plaintiffs rely on the facts, law, and argument set forth in the accompanying Brief in Support.

WHEREFORE, Plaintiffs respectfully request that this Court consider and resolve on an expedited basis Plaintiffs’ Motion for Temporary Restraining Order and Motion for Class Certification.

Dated: May 20, 2020

Respectfully submitted

/s/ Brice M. Timmons

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* Application for admission *pro hac vice* forthcoming

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BRIEF IN SUPPORT OF MOTION FOR EXPEDITED CONSIDERATION

Every day that goes by increases the risk that Plaintiffs and the Class of pretrial detainees in Shelby County Jail that they represent, all of whom are at high risk of severe infection or death from COVID-19, will contract this deadly disease. Plaintiffs are, by virtue of their pre-existing medical conditions, and/or age, particularly vulnerable to serious illness or death if infected by COVID-19. Despite their increased risk of contracting a severe case of COVID-19, Plaintiffs are being held at Shelby County Jail, where the close quarters preclude social distancing and facilities for improved hygiene are unavailable. Accordingly, Plaintiffs respectfully move this Court to expedite any necessary briefing and consideration of Plaintiffs' Motion for Temporary Restraining Order and Motion for Class Certification.

Unless a motion for expedited consideration is granted, more time will go by during which Plaintiffs continue to be exposed to the risk of contracting COVID-19 while living in conditions that threaten their health and safety and violate their Due Process rights. This is a matter of life or death. It is difficult to imagine a set of circumstances that could require the Court's attention more urgently. Expedited consideration is thus appropriate. *See, e.g., Robertson v. Chapman*, No. 1:12-1114-JDB-egb, 2014 WL 5243376, at *3 (W.D. Tenn. Oct. 15, 2014) (granting motion to expedite habeas proceedings); *United States v. Richards*, No. 3:05-cr-00185, 2019 WL 2008572, at *1, 7 (M.D. Tenn. May 7, 2019) (granting defendant's motion for an expedited ruling regarding the date of his release from prison); *Juenemann v. Bell*, No. 2:07-CV-13761, 2009 WL 224684, at *4 (E.D. Mich. Jan. 30, 2009) (granting expedited consideration of habeas claim "because petitioner has shown that any delay could potentially be highly prejudicial to him" in light of his advanced age); *Morgan Stanley Smith Barney, LLC v. Verble*, No. 3:17-CV-175-TAV-CCS, 2017 WL

3261767, at *9 (E.D. Tenn. July 31, 2017) (granting plaintiff's expedited motion for a preliminary injunction).

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs' Motion.

Dated: May 20, 2020

Respectfully submitted

/s/ Brice M. Timmons

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CERTIFICATE OF SERVICE

I, Brice M. Timmons, certify that on May 20, 2020, I caused a true and correct copy of the foregoing document to be filed electronically via the ECF system. I also caused a true and correct copy of the foregoing document to be served by hand on the Defendants.

Respectfully submitted,
/s/ Brice M. Timmons