

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

JOHN P. MIALL, JR., ROBYN HITE,
DAVID SHAW, DANIE JOHNSON, and
WILLA GRANT,

Plaintiffs,

v.

CITY OF ASHEVILLE,
DEBRA CAMPBELL, in her official
capacity as City Manager of the City of
Asheville, and
ESTHER MANHEIMER, in her official
capacity as Mayor of the City of Asheville,

Defendants.

Civil Action No. 1:23-cv-00259-MR-WCM

**PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiffs John Miall; Robyn Hite; David Shaw; Danie Johnson; and Willa Grant hereby move for class certification under Fed. R. Civ. P. 23(b)(2). The proposed class will be represented by Plaintiffs John Miall; Robyn Hite; David Shaw; Danie Johnson; and Willa Grant (Plaintiffs). The proposed class consists of all past, present, future, and deterred nonminority Asheville or Buncombe County applicants to the Human Relations Commission of Asheville (HRCA) that are qualified to apply and compete for an appointment to the HRCA.

In support of the relief sought herein, Plaintiffs refer this Court to the Memorandum in Support of Class Certification, filed in conjunction with this motion. As more fully discussed in that Memorandum, class certification is warranted because all the requirements for class certification under Rule 23 are met. This Court should grant Plaintiffs' Motion for Class Certification.

DATED: October 6, 2023.

Respectfully submitted,

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**Pro Hac Vice*

Counsel for Plaintiffs

CERTIFICATE OF CONFERRAL PURSUANT TO LOCAL RULE 7.1(b)

Undersigned counsel certifies that counsel for Plaintiffs met and conferred in good faith with counsel for Defendants to resolve or narrow the issue.

DATED: October 6, 2023.

/s/ Jessica L. Thompson
Jessica L. Thompson

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2023, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following:

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/s/ Jessica L. Thompson
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