

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

SAMMY BROWN and BRIAN KEITH
HOWELL, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

CITY OF CORINTH and JOHN C. ROSS, in his
official capacity as the Municipal Court Judge of
the Corinth Municipal Court,

Defendants.

Case No. 1:17CV204-DMB-DAS

Class Action

JOINT MOTION TO STAY PROCEEDINGS

Plaintiffs Sammy Brown and Brian Keith Howell (“Plaintiffs”) and Defendants City of Corinth and Judge John C. Ross (“Defendants”) (collectively “Parties”) respectfully request that the Court enter an order (i) staying all deadlines in this case for sixty days, including specifically Defendants’ time to answer Plaintiffs’ Complaint (ECF No. 1) and respond to Plaintiffs’ Motion for Preliminary Injunction (ECF No. 2) and Motion for Class Certification (ECF No. 5) (ii) incorporating the terms of the parties’ Joint Interim Agreement (“Interim Agreement”), attached hereto as Exhibit A, so that it may be enforced in this Court, and (iii) directing the Parties to file a joint status report in sixty days regarding their views on how the case should proceed. As a basis for this Motion, the Parties state as follows:

1. This putative class action lawsuit was filed on December 5, 2017. (ECF No. 1.) Plaintiffs served Defendants with the summons and complaint on December 6, 2017. (ECF Nos. 8–9.) Defendants’ Answers are due to this Court not later than December 27, 2017, pursuant to Fed. R. Civ. P. 12(a)(1)(A).

2. Plaintiffs also filed a Motion for a Preliminary Injunction (ECF No. 2) and a Motion for Class Certification (ECF No. 5). A schedule on these motions has not been set.

3. In response to the Complaint, counsel for the Parties have begun discussing the possibility of settlement. The Parties are cautiously optimistic that settlement may be possible, but need time to explore this fully. Accordingly, the Parties have agreed to jointly petition the Court to continue all deadlines in this matter for 60 days, subject to compliance with the terms of the Interim Agreement, in order to facilitate consideration of a settlement without prejudice to any party's position and without unnecessary accrual of attorneys' fees. The Parties have further agreed to jointly report to the Court a status update and their respective position on appropriate next steps in this case in 60 days.

4. The Parties agree and hereby stipulate that nothing contained within this Motion or the attached Interim Agreement shall be construed as an admission of liability on behalf of Defendants; that the filing of the Motion and the Interim Agreement shall not be used against any party; and that neither Plaintiffs nor Defendants waives any argument, position, or defense as a result of the terms of the Interim Agreement or as a result of the Court's order on this Motion.

For the foregoing reasons, the Parties' respectfully request that the Court enter an order that (i) extends all deadlines in the case for sixty days, including specifically Defendants' deadline to answer Plaintiffs' Complaint and respond to Plaintiffs' motions for preliminary injunction and class certification; (ii) incorporates the Parties' Interim Agreement so it may be enforced in this Court, and (iii) directs the Parties to file a joint status update in sixty days.

A proposed order accompanies this Motion.

Dated December 21, 2017.

Respectfully submitted,

FOR PLAINTIFFS:

s/ Cliff Johnson

J. Cliff Johnson, II

On behalf of Attorneys for Plaintiffs

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FOR DEFENDANTS:

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed via the court's ECF system and that all counsel thereby were provided electronic copies thereof.

This the 21st day of December, 2017

s/ Cliff Johnson

J. Cliff Johnson, II

EXHIBIT A

TO JOINT MOTION TO CONTINUE

JOINT INTERIM AGREEMENT

In consideration of Plaintiffs' agreement to stay all deadlines for sixty days, including specifically the Defendants' time to answer the Complaint and pending motions for preliminary judgment and class certification in Case No. 1:17CV204 for sixty (60) days from the date of the Federal District Court's order to continue these proceedings ("extension period"), Defendants City of Corinth and Judge John C. Ross agree to the terms of this Joint Interim Agreement ("Agreement") for the duration of the extension period as detailed herein:

1. Defendants will release all persons currently in the Alcorn County Correctional Facility who are incarcerated for a failure to pay fines, fees, costs, assessments, or restitution (collectively "court debt") ordered by the Corinth Municipal Court within forty-eight (48) hours of executing this Agreement.

2. Defendants will not incarcerate any individuals for failure to pay any court debt assessed in the Corinth Municipal Court.

3. Defendants will allow any individual who cannot immediately pay court debt assessed in a criminal case in the Corinth Municipal Court to choose from among the following repayment methods:

- a. participate in a payment plan with the Municipal Court, in which individuals make payments of no more than \$25 per month without any additional fees, assessments, or costs for participating in a payment plan;
- b. perform community service to satisfy court debts at a rate equivalent to the current Federal Minimum Wage as determined by the U.S. Department of Labor; or

- c. pay the outstanding court debt within ninety (90) days or return to the Corinth Municipal Court.

Nothing in this agreement is intended to prevent any defendant from making additional voluntary payments. The Court will not suggest or compel additional payments.

4. Defendants will release all persons currently held in the Alcorn County Correctional Facility who are charged with misdemeanors and being held due to an inability to pay secured money bail on their own recognizance within forty-eight (48) hours of executing this Agreement, subject only to the mandatory conditions set forth in Mississippi Rule of Criminal Procedure 8.4(a).

5. For all misdemeanor arrestees arrested during the extension period, Defendants will release them on their own recognizance subject only to the mandatory conditions set forth in Mississippi Rule of Criminal Procedure 8.4(a).

6. Defendants will suspend all outstanding warrants issued by the Corinth Municipal Court and will not arrest any person subject to one of these suspended warrants.

Plaintiffs and Defendants agree that the Federal District Court shall have the authority to enforce this Agreement during the extension period.

Dated December 21, 2017.

FOR PLAINTIFFS:

Respectfully submitted,

s/ Cliff Johnson

J. Cliff Johnson, II

On behalf of Attorneys for Plaintiffs

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