

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

THOMAS WHITAKER, ET AL,
On Behalf of Themselves and
Others Similarly Situated,

Plaintiffs

VS.

Civil Action No. _____

OLIVER J. BELL, ET AL, MEMBERS OF
THE TX. BRD. OF CRIMINAL JUSTICE,
JOHN WHITMIRE, DAVID J. CALLENDER,
M.D., PRES. OF THE UNIV. OF TX MED.
BRANCH, ET AL

Defendants

PLAINTIFF'S MOTION FOR CERTIFICATION OF A CLASS

COMES NOW THOMAS WHITAKER, CHRISTOPHER WILKINS, WILLIE TROTTIE, JAMIE McCOSKEY, and TONY FORD, pro se, and pursuant to Rule 23(b)(3) moves this Honorable Court to certify this proceeding as a class action against defendants, members of the Board of the Texas Department of Criminal Justice, including the following or their successors: Oliver J. Bell, of Horseshoe Bay, Texas; Tom Mechler, of Amarillo, Texas; Leopoldo Vasquez III, of Houston, Texas; Eric Gambrell, of Highland Park, Texas; Lawrence Gist, of Beaumont, Texas; Carmen Villaneuva-Hiles, of Rio Grande City, Texas; Janice Harris Lord, of Arlington, Texas; R. Terrell McCombs, of San Antonio, Texas; and J. David Nelson, of Lubbock, Texas; as well as Brad Livingston, Executive Director

of the Texas Department of Criminal Justice, of Huntsville, Texas; Governor Rick Perry of Austin, Texas; and Senator John Whitmire of Houston, Texas; and Dr. David Callender, President of the University of Texas Medical Branch of Galveston, Texas. Members of the Board of the Texas Department of Criminal Justice may be served with citation at 209 West 14th Street, Austin, Travis County, Texas 78701; Brad Livingston may be served with citation at 861-B I.H. 45 N Huntsville, Texas 77320 and Governor Rick Perry may be served with citation at the Governor's office in the Texas State Capitol Building, Austin, Travis County, Texas 78711. Senator John Whitmire may be served at his office at 803 Yale Street, Houston, Texas 77007. David Callender, M.D., may be served at his office in the University of Texas Medical Branch, Galveston, Texas. The substantial grounds upon which this motion is based are that they and all other members of their class are all incarcerated on death row and possess the same interest and suffer the same injury shared by all members of the class represented. There are questions of law and fact common to the class because the members of the class have been affected by a general policy of the Defendant, The Texas Department of Criminal Justice, and that general policy is the focus of the litigation, as well as the specific conduct of Senator John Whitmire and Governor Rick Perry in intensifying

the already abusive living conditions of the Plaintiffs and Dr. David Callender's negligent supervision of his staff which has resulted in extreme harm medically to all Plaintiffs.

Respectfully Submitted,

THOMAS WHITAKER, PRO SE
Polunsky Unit, No. 999522
3872 FM 350 South
Livingston, Tx 77351

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Defendants

PLAINTIFF'S MOTION FOR APPOINTMENT OF LEGAL REPRESENTATIVE

COMES NOW THOMAS WHITAKER, CHRISTOPHER WILKINS, WILLIE
TROTTE, RODOLFO MEDRANO, JAMIE McCOSKEY, and TONY FORD, pro se,
respectfully moving that this honorable Court appoint an
attorney or attorneys to represent them in the above entitled
and numbered cause for the reason that they have been unable to
obtain legal representation.

Respectfully submitted,

THOMAS WHITAKER, PRO SE
Polunsky Unit, No. 999522
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Livingston, Tx 77351

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PLAINTIFF'S MOTION FOR FILING FEES TO BE SET
SO AS TO NOT DENY PLAINTIFFS RIGHT TO DUE PROCESS

COMES NOW THOMAS WHITAKER, CHRISTOPHER WILKINS, WILLIE
TROTTE, JAMIE McCOSKEY, and TONY FORD, pro se, respectfully
moving that this honorable Court set filing fees and costs
of court at the same rate as those for any suit filed in
the United States District Court rather than charging each
individual plaintiff the same fee as charged for a single suit
being filed, thereby unduly enriching the court and causing such
financial hardship for plaintiffs and potential plaintiffs in
this action to result in a denial of due process. When advised
that each plaintiff would be charged \$350 each, rather than

being charged their pro rata share of \$350, several plaintiffs were forced to withdraw from a similar previous case due to financial hardship were the fee to be withheld from their trust funds. If each plaintiff is charged \$350, the total fee will amount to over \$140,000 which is clearly excessive in terms of cost to the court. Were plaintiffs not members of a class of persons held in custody of the Texas Department of Criminal Justice, the fee would be \$350 for the filing of a civil action in this court. Plaintiffs seek equal treatment and due process.

Respectfully submitted,

THOMAS WHITAKER, PRO SE
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