

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

DIANE RIDGELY; JUDY STURCKEN;
DAVID BELLINGER; and TAMICA
DICKSON, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

v.

FEDERAL EMERGENCY
MANAGEMENT AGENCY; UNITED
STATES DEPARTMENT OF
HOMELAND SECURITY; MICHAEL
CHERTOFF, Secretary of Department of
Homeland Security; R. DAVID
PAULISON, Administrator of the Federal
Emergency Management Agency; and
their successors in office,

Defendants.

Civil Action No. 07-2146

Section "C" (4)

Hon. Helen G. Berrigan

Magistrate Judge Karen Wells Roby

ORDER

Came on for consideration the Plaintiff's Motion for Class Certification ("Motion"); and the Court having considered the written submissions of the parties and held June 13th a hearing on _____, 2007; and having found that the requirements of Federal Rule of Civil Procedure 23(a) and (b)(2) have been satisfied; and having found that maintenance of this action as a class action is appropriate; it is therefore

ORDERED that the Motion is granted; and it is further

ORDERED that this action shall be maintained as a class action; and it is further

ORDERED that all claims for relief asserted in the Complaint, and all defenses that may be asserted to the Complaint, shall be adjudicated as a class action on behalf of classes defined as follows:

A. Section 408 Class

The “Section 408 Class” is comprised of individuals who have been denied, or who will in the future be denied, continued Section 408 Assistance (as defined in the Complaint) and who meet each of the following conditions:

- (1) As of August 29, 2005, resided in Louisiana, Mississippi, or Alabama in areas declared to be Federal Disaster Areas as a result of Hurricane Katrina; or
- (2) As of September 24, 2005, resided in Louisiana or Texas in areas declared to be Federal Disaster Areas as a result of Hurricane Rita; and
- (3) Were displaced from their pre-disaster primary residences or whose pre-disaster primary residences have been rendered uninhabitable as a result of damage caused by Hurricane Katrina and/or Hurricane Rita; and
- (4) Have received Section 408 Assistance administered by FEMA as a result of Hurricanes Katrina and/or Rita; and
- (5) Have received, or will receive, notice from FEMA that FEMA has determined him or her to be ineligible for continued Section 408 Assistance; and
- (6) Have ceased receiving, or may in the future cease receiving, Section 408 Assistance as the result of termination or withholding by FEMA of such Assistance; and

(7) Have appealed, or will in the future appeal, FEMA's decision to terminate or withhold Section 408 Assistance.

Within the Section 408 Class, the following sub-classes exist:

Sub-class 1: All class members who have had their Section 408 Assistance terminated by FEMA before being provided with adequate and/or timely notice of the reasons for termination;

Sub-class 2: All class members who have had their Section 408 Assistance terminated by FEMA before being provided with an adequate pre-termination hearing; and

Sub-class 3: All class members who have ceased, or will in the future cease, to receive Section 408 Assistance due to efforts by FEMA to recover alleged overpayments.

B. Repayment Class

The "Repayment Class" consists of all individuals who received from FEMA a notice demanding the repayment of benefits and who meet the following conditions:

(1) As of August 29, 2005, resided in Louisiana, Mississippi, or Alabama in areas declared to be Federal Disaster Areas as a result of Hurricane Katrina; or

(2) As of September 24, 2005, resided in Louisiana or Texas in areas declared to be Federal Disaster Areas as a result of Hurricane Rita; and

(3) Have received assistance administered by FEMA as a result of Hurricanes Katrina and/or Rita; and

(4) Have received from FEMA a notice demanding repayment of assistance.

and it is further

ORDERED that the following are appointed as counsel for the Section 408 Class and the Repayment class in accordance with Rule 23(g): Loyola University New Orleans College of Law, Legal Clinic; the Public Interest Law Project; the National Center for Law and Economic Justice; the National Law Center on Homelessness & Poverty; Texas Appleseed; the Mississippi Center for Justice, Steptoe & Johnson LLP; and Weil, Gotshal & Manges LLP.

SO ORDERED this 13th day of June, 2007 New Orleans Louisiana


UNITED STATES DISTRICT JUDGE