

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.
2018 MAR -9 AM 8:45

CLERK C. Robinson
SO. DIST. OF GA.

Margery Freida Mock and Eric Scott
Ogden, Jr., *individually and on behalf of*
those similarly situated,

Case No.

Plaintiffs,

(Class Action)

v.

Glynn County, Georgia; E. Neal Jump,
Glynn County Sheriff; Alex Atwood, Glynn
County Magistrate Judge; and B. Reid Zeh,
III, Glynn County Misdemeanor Public
Defender;

Defendants.

C-218- 25

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs Margery Freida Mock¹ and Eric Scott Ogden, Jr., respectfully move the court to issue a preliminary injunction with respect to Claims I and II on behalf of themselves and all misdemeanor arrestees in Glynn County who have been or will be detained because they are unable to pay an amount of bail required by Defendants for their release. For the reasons stated in the Memorandum in Support of the Motion for Preliminary Injunction, filed contemporaneously herewith in accordance with Local Civil Rule 7.1, Plaintiffs respectfully request that the Court grant their Motion by preliminarily enjoining the County and Sheriff Jump from enforcing their wealth-based pretrial detention system and ordering the County to provide the procedural safeguards and substantive findings that the Constitution requires before preventatively detaining any presumptively innocent individuals.

¹ Plaintiffs are simultaneously filing a Motion for a Temporary Restraining Order on behalf of themselves.

Dated: March 9, 2018.

Respectfully submitted,

/s/ James A. Yancey, Jr.
James A. Yancey, Jr.
On behalf of Attorneys for Plaintiff

James A. Yancey, Jr.
Georgia Bar Association No. 779725
Attorney at Law, P.C.
704 G Street
Brunswick, Georgia 31520-6749
Telephone: (912) 265-8562
Email: jayjr@standinthegap.biz

/s/ Sean J. Young
Sean J. Young, Georgia Bar Assn. No. 790399
Kosha S. Tucker *, Georgia Bar Assn. No. 214335
American Civil Liberties Union of Georgia
PO Box 77208
Atlanta, GA 30357
Telephone: (678) 981-5295
Email: SYoung@aclu.org
Email: KTucker@aclu.org

/s/ Andrea Woods
Andrea Woods (lead counsel) *
Twyla Carter *
Brandon J. Buskey *
American Civil Liberties Union Foundation
Criminal Law Reform Project
125 Broad Street, 18th Floor
New York, NY 10004
Telephone: (212) 284-7364
Email: awoods@aclu.org
Email: tcarter@aclu.org
Email: bbuskey@aclu.org
* *Admission pro hac vice pending*

Attorneys for Plaintiff

Certificate of Service

This motion was filed simultaneously with the complaint in this action. This motion and all accompanying exhibits, along with copies of the summons and complaint, will be served on each Defendant by delivery to Professional Civil process on the same date that the Clerk of Courts issues a summons for that Defendant.

By: /s/ James A. Yancey, Jr.
James A. Yancey, Jr.
Georgia Bar Association No. 779725
Attorney at Law, P.C.
704 G Street
Brunswick, Georgia 31520-6749
Telephone: (912) 265-8562
Email: jayjr@standinthegap.biz

Certificate of Conference

This motion was filed simultaneously with the complaint in this action. This motion will be opposed, and will confer with Defense counsel as soon as counsel files a notice of appearance. Plaintiffs will notify the Court promptly if Defendants do not oppose this motion.

By: /s/ James A. Yancey, Jr.
James A. Yancey, Jr.
Georgia Bar Association No. 779725
Attorney at Law, P.C.
704 G Street
Brunswick, Georgia 31520-6749
Telephone: (912) 265-8562
Email: jayjr@standinthegap.biz

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[PROPOSED]

ORDER ENTERING PRELIMINARY INJUNCTION

The Court having considered the Plaintiffs' Motion for a Preliminary Injunction, Memorandum of Law in Support, and the Declarations and Exhibits appended thereto, hereby **ORDERS** that Plaintiffs' Motion for a Preliminary Injunction is **GRANTED**.

The Court **FINDS** that Plaintiffs have shown that immediate and irreparable injury will result unless a preliminary injunction is granted. Plaintiffs will face irreparable injury without a preliminary injunction because they will remain jailed at least until the foreseeable future without the prerequisites of equal protection and due process. The Court further **FINDS** that Plaintiffs are likely to prevail on Claim One, that the balance of interests shifts in favor of Plaintiffs and that the interest of the public favors granting a preliminary injunction.

Accordingly, Defendants Glynn County and Sheriff Jump are **ENJOINED** from prospectively detaining arrestees solely for their inability to pay the monetary amount required by the bail schedule without a prompt individualized release hearing with adequate procedural safeguards that includes an inquiry into and findings concerning their ability to pay, the suitability of alternative non-financial conditions of release, and a finding on the record that any conditions of release are the least restrictive conditions necessary to achieve court appearance and public safety.

DONE this ____ day of _____, 2018.

UNITED STATES DISTRICT JUDGE