

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Vallario v. Vandehey

554 F.3d 1259 (10th Cir. 2009) · No. No. 08-502 · Decided February 4, 2009

SUMMARY

The Tenth Circuit reviewed a petition for interlocutory appeal under Federal Rule of Civil Procedure 23(f) from an order certifying a class of present and future Garfield County Jail inmates. The court held that the district court abused its discretion by misconstruing the allegations concerning psychiatric care, applying an improperly limited Rule 23 analysis, and failing to require the plaintiffs to establish that class-wide relief was appropriate and sufficiently specific. The court granted review and remanded for further proceedings.

CASE DETAILS

COURT	United States Court of Appeals for the Tenth Circuit
WRITING FOR THE COURT	Baldock, Circuit Judge; Kelly, Circuit Judge; O'Brien, Circuit Judge
JURISDICTION	Federal
DECIDED	February 4, 2009
DOCKET	No. 08-502
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petitioners sought permission under Federal Rule of Civil Procedure 23(f) to take an interlocutory appeal from the district court's order certifying a class of present and future Garfield County jail prisoners in an official-capacity action seeking declaratory and injunctive relief concerning jail policies and conditions.
STANDARD OF REVIEW	The court reviewed de novo the standard used by the district court in applying Rule 23 and reviewed the merits of the class-certification decision for abuse of discretion. A district court abuses its discretion when it relies on clearly erroneous factual findings, an erroneous legal conclusion, an improper application of law to fact, or a clear error of judgment.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Lou Vallario, Sheriff of Garfield County, Colorado, in his official capacity, Scott Dawson, a Commander in the Garfield County Sheriff's Department, in his official capacity v. Clarence Vandehey, William

Langley, Samuel Lincoln, Jared Hogue, on behalf of themselves and all others similarly situated

TOPICS

class actions interlocutory appeal appellate procedure civil procedure injunctions

PRACTICE AREAS

Civil procedure Appellate procedure Class actions Civil rights Prisoners' rights Constitutional law
Equitable remedies

QUESTIONS PRESENTED

1. What standard governs the Tenth Circuit's exercise of discretion in granting a petition for interlocutory review of a class-certification order under Federal Rule of Civil Procedure 23(f)?
2. Whether the district court abused its discretion by misconstruing the allegations concerning indigent inmates' access to psychiatric care.
3. Whether the district court improperly limited its Rule 23 analysis by treating consideration of merits-related facts as categorically impermissible.
4. Whether the district court erred by failing to require the respondents to demonstrate that the proposed class satisfied Rule 23(b)(2), including that class-wide injunctive or declaratory relief was conceivable, manageable, and sufficiently specific under Rule 65(d).

HOLDINGS

1. The Tenth Circuit will exercise broad, unfettered discretion in deciding whether to grant a Rule 23(f) petition, without applying a rigid test. Interlocutory review is generally appropriate in death-knell cases, cases involving significant unresolved class-action legal issues likely to evade end-of-case review, and cases involving significant and readily ascertainable manifest errors in class certification.
2. The district court abused its discretion by certifying the psychiatric-care claim based on a materially incorrect understanding that no mental-health treatment was available to any inmates, rather than accepting the complaint's substantive, nonconclusory allegations that the defendants restricted indigent inmates' access to mental-health care.
3. A district court must conduct a rigorous analysis of all Rule 23 requirements, even when that analysis overlaps with the merits of the claims. The court may not assess the ultimate strength of the cause of action, but it may consider merits-related facts insofar as they bear on a Rule 23 requirement.
4. A party seeking certification under Rule 23(b)(2) must demonstrate that the opposing party acted or refused to act on grounds generally applicable to the class and that final injunctive or declaratory relief is appropriate for the class as a whole. The proposed relief must be sufficiently concrete for the district court to determine that a single, manageable injunction could address the class's injuries without individualized inquiries and must comply with Rule 65(d)'s specificity requirements.

KEY QUOTATIONS

“Appellate courts’ discretion, under Rule 23(f), is “unfettered” and “akin to the discretion exercised by the Supreme Court in acting on a petition for certiorari.”” (1262)

“Interlocutory review of a district court’s class certification order is generally appropriate in three types of cases.” (1264)

“Put simply, before a district court certifies a class it must ensure that the requirements of Rule 23 are met.” (1267)

“Movants may not make an end-run around this rule by requesting an injunction that operates at some “stratospheric level of abstraction.”” (1268)

FACTUAL BACKGROUND

Four former inmates alleged that policies and practices at the Garfield County Jail exposed inmates to unconstitutional risks of harm and denied them constitutional protections. The challenged practices included the use of restraint chairs and other compliance devices, requiring inmates to wear an electroshock belt to court, restrictions on indigent inmates' access to psychiatric care, and placement on supermax status without due process. Because the named respondents faced prospective mootness upon release, they sought certification of a class consisting of all present and future prisoners in the custody of the Garfield County Sheriff's Department.

PROCEDURAL HISTORY

The district court certified a class under Federal Rule of Civil Procedure 23 as to claims challenging the use of compliance devices, an electroshock belt, restraint chairs, restrictions on indigent inmates' psychiatric care, and placement on supermax status. Petitioners timely petitioned the Tenth Circuit for permission to appeal. The court granted review, held that the district court committed three substantial errors in applying Rule 23, and remanded for reconsideration of the class-certification order.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must reconsider its class-certification order, accurately evaluate the allegations concerning psychiatric care, conduct the rigorous Rule 23 analysis required by governing precedent, and require respondents to demonstrate that the proposed Rule 23(b)(2) class and requested declaratory or injunctive relief satisfy Rule 23 and Rule 65(d).

CASES CITED

- Farmer v. Brennan, 511 U.S. 825 (1994)
- Green v. Branson, 108 F.3d 1296 (10th Cir. 1997)
- Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368 (1981)

- *Lienhart v. Dryvit Systems, Inc.*, 255 F.3d 138 (4th Cir. 2001)
- *Carpenter v. Boeing Co.*, 456 F.3d 1183 (10th Cir. 2006)
- *Chamberlan v. Ford Motor Co.*, 402 F.3d 952 (9th Cir. 2005)
- *In re Lorazepam & Clorazepate Antitrust Litigation*, 289 F.3d 98 (D.C. Cir. 2002)
- *Waste Management Holdings, Inc. v. Mowbray*, 208 F.3d 288 (1st Cir. 2000)
- *Prado-Steiman ex rel. Prado v. Bush*, 221 F.3d 1266 (11th Cir. 2000)
- *Blair v. Equifax Check Services, Inc.*, 181 F.3d 832 (7th Cir. 1999)
- *Newton v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 259 F.3d 154 (3d Cir. 2001)
- *Shook v. El Paso County*, 386 F.3d 963 (10th Cir. 2004)
- *Trevizo v. Adams*, 455 F.3d 1155 (10th Cir. 2006)
- *Shook v. Board of County Commissioners*, 543 F.3d 597 (10th Cir. 2008)
- *Gulf Oil Co. v. Bernard*, 452 U.S. 89 (1981)
- *In re Initial Public Offering Securities Litigation*, 471 F.3d 24 (2d Cir. 2006)
- *Kilgore v. Attorney General of Colorado*, 519 F.3d 1084 (10th Cir. 2008)
- *Williams v. W.D. Sports, N.M., Inc.*, 497 F.3d 1079 (10th Cir. 2007)
- *General Telephone Co. of the Southwest v. Falcon*, 457 U.S. 147 (1982)
- *Coopers & Lybrand v. Livesay*, 437 U.S. 463 (1978)
- *Adamson v. Bowen*, 855 F.2d 668 (10th Cir. 1988)
- *Gariety v. Grant Thornton, LLP*, 368 F.3d 356 (4th Cir. 2004)
- *Oscar Private Equity Investors v. Allegiance Telecom, Inc.*, 487 F.3d 261 (5th Cir. 2007)
- *Amchem Products, Inc. v. Windsor*, 521 U.S. 591 (1997)
- *Monreal v. Potter*, 367 F.3d 1224 (10th Cir. 2004)
- *Keyes v. School District No. 1*, 895 F.2d 659 (10th Cir. 1990)
- *Elephant Butte Irrigation District v. U.S. Department of Interior*, 538 F.3d 1299 (10th Cir. 2008)
- *Eastern Texas Motor Freight System, Inc. v. Rodriguez*, 431 U.S. 395 (1977)
- *Unger v. Amedisys Inc.*, 401 F.3d 316 (5th Cir. 2005)
- *Anderson v. City of Albuquerque*, 690 F.2d 796 (10th Cir. 1982)
- *Dotson v. Chester*, 937 F.2d 920 (4th Cir. 1991)
- *Habecker v. Town of Estes Park*, 518 F.3d 1217 (10th Cir. 2008)
- *Latino Officers Association v. Safir*, 170 F.3d 167 (2d Cir. 1999)
- *Board of County Commissioners v. Geringer*, 297 F.3d 1108 (10th Cir. 2002)