

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

BRITTANY BLACK, PRESTON OWENS,
and RACHEL WRIGHT, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

BO LUCKEY, in his official capacity as
Chief of the Capitol Police, a unit of the
Mississippi Department of Public Safety;
and SEAN TINDELL, in his official
capacity as Commissioner of the
Mississippi Department of Public Safety,

Defendants.

Case No.

Class Action

ORAL ARGUMENT REQUESTED

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs Brittany Black, Preston Owens, and Rachel Wright, pursuant to Federal Rule of Civil Procedure 23(a) and 23(b)(2), move this Court to certify this lawsuit as a class action. In support of this Motion, Plaintiffs Brittany Black, Preston Owens, and Rachel Wright state as follows:

1. Plaintiffs move for certification of and seek to represent a Class, which is proposed to be defined as:

All persons who currently or will in the future solicit as defined in Miss. Code § 17-31-3(b) within the jurisdiction of the Capitol Police.

2. The proposed Class meets the class certification requirements under Fed. R. Civ. P. 23(a), (b)(2), and (g). First, numerosity is satisfied because joinder of all members of the Class would be impracticable under Rule 23(a)(1) in view of the forward-looking nature of the claims,

the Class's economic status, and the many people who currently are experiencing homelessness in Jackson.

3. Second, Plaintiffs Brittany Black, Preston Owens, and Rachel Wright's and the putative Class's claims are common under Rule 23(a)(2). The legal and factual questions at issue in this case derive from the same statutory structure and from Defendants' policies and practices, which are applied uniformly to the putative Class. As authorized under state law, the Safe Solicitation Act restricts people experiencing homelessness from requesting charity without a solicitation permit and Defendants have adopted a uniform policy to implement the Act, including a uniform permitting process. *See* Miss. Code § 17-31-1, et seq.

4. Third, Plaintiffs Brittany Black, Preston Owens, and Rachel Wright's claims are typical of those of the Class, as required under Rule 23(a)(3), because the challenged policies, practices, and customs prescribed by state law equally apply to Plaintiff Black, Owens and Wright and all other putative Class members.

5. Fourth, the named Plaintiffs, Brittany Black, Preston Owens, and Rachel Wright, will adequately represent the Class under Rule 23(a)(4) because they have no conflicts of interest with the Class and are willing and able to lead the litigation. Likewise, Class Counsel have the experience, knowledge, and resources to represent the interests of the Class fairly and adequately and therefore satisfy Rule 23(g).

6. Finally, Plaintiffs Brittany Black, Preston Owens, and Rachel Wright satisfy Rule 23(b)(2) because Defendants have acted on grounds generally applicable to the proposed Class members through the challenged policies, practices, and customs as set forth under state law. This Court does not need to analyze the individual circumstances of the named Plaintiffs, Brittany Black, Preston Owens, and Rachel Wright, or Class members to assess Defendants' liability or the

possible remedies. This Court can remedy the ongoing violations of Plaintiffs Brittany Black, Preston Owens, and Rachel Wright's constitutional rights through class-wide declaratory and injunctive relief. Accordingly, class certification is the most appropriate, judicially efficient, and speedy vehicle to make such determinations.

7. Plaintiffs request oral argument on their motion for class certification because oral argument will aid the Court's class certification decision.

8. For these reasons and the reasons set forth in the accompanying Memorandum, the declarations of Plaintiffs Brittany Black, Preston Owens, and Rachel Wright and Joshua Tom, and the Exhibits appended thereto, and any other matters presented to the Court, Plaintiffs Brittany Black, Preston Owens, and Rachel Wright respectfully requests the Court grant this Motion and certify the class.

In support of this Motion, Plaintiffs submit the exhibits listed below and an accompanying Memorandum of Law in support:

1. Exhibit A – Declaration of Joshua Tom
2. Exhibit B – Capitol Police Permit Application
3. Exhibit C – Capitol Police Permit
4. Exhibit D – Northside Sun Article (Capitol Police)
5. Exhibit E – Solicitation Citation General Affidavit
6. Exhibit F – May 2026 Permit Log
7. Exhibit G – Panhandling Calls and Dispatch List – July 2025 – Present
8. Exhibit H – Declaration of L.E. JiBol
9. Exhibit I – Declaration of Brittany Black
10. Exhibit J – Declaration of Preston Owens

11. Exhibit K – Declaration of Rachel Wright

Dated: May 27, 2026

Respectfully submitted,

/s/ Joshua Tom

Joshua Tom

MS Bar No. 105392

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

Undersigned counsel does hereby certify that on this date, a true and correct copy of the above and foregoing has been filed with the Clerk of the Court via the Court's electronic filing system, and notification of such filing was sent to all counsel of record via same.

Dated: May 27, 2026

/s/ Joshua Tom
Joshua Tom