

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

**VINCENT EDWARDS, Individually, and
on behalf of all others similarly situated**

PLAINTIFF

V.

NO. 1:17-CV-131-DMB-DAS

**THE CITY OF TUPELO, MISSISSIPPI,
et al.**

DEFENDANTS

ORDER

On May 1, 2020, Vincent Edwards filed a second supplemental motion to certify a proposed class action against the City of Tupelo, Mississippi; Lee County, Mississippi; Ramierre Warren; and certain fictitious defendants. Doc. #135. In support of the supplemental motion, Edwards submitted a “Declaration of Halbert E. Dockins Jr., Plaintiff’s Lead Counsel and Prospective Class Counsel.” Doc. #136-8. After the defendants responded to the supplemental motion, Edwards filed both a reply, Doc. #147, and a supplemental declaration of Dockins, Doc. #147-1. On June 1, 2020, the City filed a motion to strike paragraphs 8 and 9 of the supplemental declaration. Doc. #148.

On August 21, 2020, this Court denied the City’s motion to strike. Doc. #161. In its order, this Court adopted the Ninth Circuit’s approach to considering evidence in class certification proceedings. *Id.* at 8–9. Because the parties did not have the benefit of this standard at the time the briefing on the second supplemental motion for class certification was completed, and because Edwards’ briefing violates this Court’s Local Rules in certain respects,¹ the second supplemental

¹ Because Edwards’ original memorandum brief is twenty-four pages, *see* Doc. #136, and his reply memorandum is fourteen pages, *see* Doc. #147, his briefing exceeds the page limit established by Local Rule 7(b)(5), which provides that “original and rebuttal memorandum briefs together may not exceed a total of thirty-five pages.” In violation of Local Rule 7(b)(2), Edwards attached his supporting exhibits to the memorandum, not his motion.

motion [135] is **DENIED without prejudice**.² However, on or before March 29, 2021, Edwards may file a renewed motion for class certification which complies with all applicable Local Rules.³

The City may respond, and Edwards may reply, accordingly.

SO ORDERED, this 5th day of February, 2021.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

² See *Tri-Valley CAREs v. U.S. Dep't of Energy*, 671 F.3d 1113, 1131 (9th Cir. 2012) (“Denial of a motion as the result of a failure to comply with local rules is well within a district court’s discretion.”).

³ Should Edwards file a renewed motion which justifies an evidentiary hearing, such hearing will be noticed for May 3, 2021, the date on which the evidentiary hearing on Edwards’ second supplemental motion was set.