

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

J.B., by and through his Next Friend)
LINDA WINDLEY, D.P. by and)
through his Next Friend)
STACEY BLEVINS, B.W. by and)
through his Next Friend JEANNA)
WALTERS, and J.J. by and through)
his legal guardian DENISE VICK,)
on behalf of themselves and those)
similarly situated, and DISABILITY)
RIGHTS NORTH CAROLINA,)

Plaintiffs,

v.

Case No. 1:24-cv-335

THE NORTH CAROLINA)
DEPARTMENT OF HEALTH AND)
AND HUMAN SERVICES and)
DEV DUTTA SANGVAI, in his official)
capacity as Secretary of the North)
Carolina Department of Health)
and Human Services,)

Defendants.

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiff Disability Rights North Carolina (“DRNC”) and Individual Plaintiffs J.B., by and through his next friend Linda Windley, D.P. by and through his next friend Stacey Blevins, B.W. by and through his next friend Jeanna Walters, and J.J. by and through his legal guardian Denise Vick (“Proposed Class Representatives”), on behalf of themselves and those

similarly situated, hereby move to certify this matter as a class action pursuant to Federal Rule of Civil Procedure 23(b)(2). The proposed class is defined as follows:

All individuals with serious mental health and other cognitive disabilities charged with crimes who are or will be detained in North Carolina jails to await capacity evaluations or restoration services that the North Carolina Department of Health and Human Services (“NCDHHS”) is statutorily required to provide.

Plaintiffs also respectfully request that this Court appoint the undersigned as class counsel and the Proposed Class Representatives as class representatives.

Plaintiffs seek an order certifying this matter as a class action pursuant to Federal Rule of Civil Procedure 23(b)(2) because each of the requirements are met for class treatment under Federal Rule of Civil Procedure 23(a) and (b)(2), and the proposed class counsel meet all of the requirements set forth in Federal Rule of Civil Procedure 23(a) and (g). The grounds for this motion are explained in the accompanying Memorandum of Law and its exhibits.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law, the court should certify the proposed class.

Dated: March 16, 2026

/s/ Michele Delgado
Michele Delgado

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CERTIFICATE UNDER LOCAL RULE 7.1(a)(2)

The parties have conferred pursuant to Local Rule 7.1(a)(2). Defendants oppose this motion, and contend that defendants will require and seek a period of discovery in order to prepare their response to this motion.

Dated: March 16, 2026

/s/ Michele Delgado
Michele Delgado

CERTIFICATE OF SERVICE

I, Michele Delgado, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: March 16, 2026

/s/ Michele Delgado
Michele Delgado