

IN THE IOWA DISTRICT COURT  
FOR POLK COUNTY

LISA KRAGNES,

Plaintiff,

vs.

CITY OF DES MOINES, IOWA,

Defendant.

)  
)  
) Equity No. 49273  
)  
)

) CITY'S RESISTANCE  
) TO PLAINTIFF'S MOTION  
) FOR HEARING ON  
) CERTIFICATION OF  
) A CLASS ACTION

FILED  
POLK COUNTY IA  
05 NOV -11 PM 3:06  
CLERK DISTRICT COURT

COMES NOW the Defendant, the City of Des Moines, and for its Resistance  
Plaintiff's Motion for Hearing on Certification of a Class Action states:

1. Plaintiff's request for a certification hearing is untimely. The Rules of Civil Procedure require the certification hearing to take place as soon as practicable after the filing of the case, not right before trial.

2. The Plaintiff's late request for a hearing is also unfair. Discovery has closed and there is no way for the City to attempt to gather evidence on the many criteria that the court must consider in certifying a class.

3. In any event, class certification would serve no purpose in this case because the remedy requested by the Plaintiff cannot be granted as the only entity that could perform the remedy is not a party to this action and the time for adding parties has passed.

4. This resistance is supported by a brief filed simultaneously.

WHEREFORE, the City prays the Court deny Plaintiff's request for class certification and for such other relief as is proper.

*Mark Godwin*

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ATTORNEY FOR DEFENDANT  
CITY OF DES MOINES

Original Filed.

Copy to:

Honorable Michael D. Huppert  
Judge, 5th Judicial District

Mr. Brad Schroeder  
Hartung & Schroeder LLP  
Equitable Building, Suite 100  
608 Locust Street  
Des Moines, IA 50309  
ATTORNEY FOR PLAINTIFF

**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on 11-4-05

By:  U.S. Mail       FAX  
 Hand Delivered       Overnight Courier  
 Federal Express       Other

Signature *Diane Rascoe*