

Bruce

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>LISA KRAGNES, et al.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>CITY OF DES MOINES, IOWA,</p> <p>Defendant.</p>	<p>Equity No. 49273</p> <p><b>BRAD A. SCHRODER AND BRUCE H STOLTZE SUBMISSION AS TO DEFENDANT'S MOTION TO DECERTIFY CLASS</b></p> <p><b>(certain documents submitted only with copy for court in camera review)</b></p>
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Plaintiff's Attorneys, Brad A. Schroder and Bruce H. Stoltze, submit the following to the Court relating to the Defendant's Motion to Decertify Class:

1. On November 22, 2005, Plaintiff's Counsel filed a statement with this Court pursuant to Iowa Rule of Civil Procedure 1.276 in seeking certification of a class action (attached as Exhibit "1").

2. The statement simply and appropriately set out the names of the attorneys working on the case and their respective interests and responsibilities with respect to both fees and expenses.

3. Nothing in that filing has changed.

4. The Defendant now seems to assert that since Bruce H. Stoltze has left the Brick Gentry law firm, adequate finances do not exist for the processing of this case. This is incorrect. Bruce H. Stoltze advised the Court by the previous filing that he had committed to the processing of this case

and that he had the finances to adequately process this case. This remains true to the present date.

5. The Plaintiff's attorneys in this case have attempted to assess the possible out of pocket expenses in processing this case. That estimate has been periodically re-addressed to assure the matters are properly handled. To date, the estimates of the Plaintiff's attorneys and their financial resources have been more than adequate to handle the expenses.

6. Be that as it may, due to the Defendant's most recent motion, to address the matter for the Court, the Plaintiff's attorneys Brad A. Schroder and Bruce H. Stoltze have taken action to do the following:

a. Updated the estimate of likely out of pocket costs to be incurred in the processing of this class action case. This is attached hereto as Exhibit "2" for in camera review only. It should be noted that this estimate is set out in terms of ranges. It also only addresses out of pocket costs for non-related entities and does not address staff and attorney fees.

b. Due to the Defendant's assertions herein and to address the question of his share of the costs, Bruce H Stoltze has set aside cash funds in a separate bank account. The current statement on that account is attached as Exhibit "3" for in camera review only.

c. Further, Bruce H. Stoltze has completed a financial statement which he now submits to the Court for in camera review as to the availability

of funds for the processing of this case. This is attached as Exhibit "4" for in camera review only.

d. Due to the Defendant's assertions herein and to address the question of his share of the costs, Brad A. Schroder has established a line of credit. The documentation showing that line of credit is attached as Exhibit "5" for in camera review only.

e. Further, Brad A. Schroder has completed a financial statement which he now submits to the Court for in camera review as to the availability of funds for the processing of this case. This is attached as Exhibit "6" for in camera review only.

f. Nothing further has been submitted by the Brick Gentry firm due to the Defendant's previous concession of financial ability to fund its portion of this case.

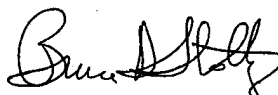
7. It continues to be asserted that Defendant has made unsubstantiated claims of lack of financial ability to process this case. Be that as it may, it is asserted that this additional information should be considered by the Court as sufficient to demonstrate the financial ability of the Plaintiff's counsel to process this action.

Respectfully submitted,



By: \_\_\_\_\_

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**ORIGINAL FILED. (without attachments 2-6).**

**CERTIFICATE OF SERVICE:**

**A COPY** of the foregoing has been hand delivered this 30<sup>th</sup> day of June, 2008, to the following:

Mark Godwin  
Deputy City Attorney  
City Hall  
400 East First Street  
Des Moines, IA 50309  
ATTORNEY FOR DEFENDANT  
(without attachments 2-6)

Judge Joel D. Novak  
Polk County Courthouse  
500 Mulberry  
Des Moines, Iowa 50309  
(with all attachments)



By: \_\_\_\_\_