

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BLACK LIVES MATTER D.C., *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

No. 20-cv-1469 (DLF) (LEAD)

No. 20-cv-1542 (DLF) (Consolidated)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is

ORDERED that the United States' Motion to Substitute, Dkt. 238, is **GRANTED**. The United States is substituted as the sole party defendant with respect Counts III, V, VII, VIII, and IX of the Buchanan complaint. It is further

ORDERED that the government's Motion to Dismiss, Dkt. 239, with respect to the Black Lives Matter plaintiffs' claims is **GRANTED IN PART**. Counts XIII and XIV of the BLMDC Fourth Amended Complaint, Dkt. 213, are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust. It is further

ORDERED that the government's Motion to Dismiss, Dkt. 240, with respect to the Buchanan plaintiffs' claims is **GRANTED IN PART**. Counts III, V, VII, VIII, and IX of the Buchanan Second Amended Complaint, Dkt. 208, are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust. Count VI is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim. It is further

ORDERED that the BLMDC plaintiffs' Motion to Certify Class, Dkt. 237, is **GRANTED IN PART**. It is further

ORDERED that the Section 1983 Class, defined as

All individuals located one block west of Lafayette Square, at or around the intersection of 17th Street NW and H Street NW, on June 1, 2020, around or shortly after 6:30 p.m., when MPD officers launched a concerted, uniform offensive that included chemical irritants, tear gas, and physical force against those individuals, excluding Defendants, their employees, co-conspirators, officers, directors, legal representatives, heirs, successors, and wholly or partly owned subsidiaries or affiliated companies; counsel and their employees; and the judicial officers and their immediate family members and associated court staff assigned to this case,

is certified pursuant to Federal Rule of Civil Procedure 23(b)(3). The Section 1983 Class may pursue First Amendment speech restriction claims under Count VII of the BLMDC complaint against the named MPD defendants, for the defendants' conduct at the intersection of 17th Street NW and H Street NW around or shortly after 6:30 p.m. on June 1, 2020. It is further

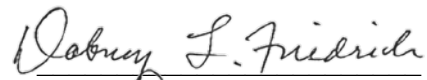
ORDERED that plaintiffs Dustin Foley and Eden Foley are appointed as Class Representatives for the Section 1983 Class. It is further

ORDERED that BLMDC plaintiffs' counsel are appointed as class counsel pursuant to Federal Rule of Civil Procedure 23(g). It is further

ORDERED that all remaining parties shall meet and confer. On or before April 14, 2025, the parties shall file a joint status report (1) proposing a schedule for further proceedings, and (2) submitting a proposed plan for giving class notice to members of the certified class.

SO ORDERED.

March 14, 2024


DABNEY L. FRIEDRICH
United States District Judge