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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
DKT. NO. 1984CV03373C

STACY FOSTER, JAMIE KIMBALL,  
JONATHAN RILEY, and NICOLE WESTCOTT,  
*on behalf of themselves and all  
others similarly situated,*

Plaintiffs,

v.

COMMONWEALTH OF MASSACHUSETTS,

Defendant.

SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE  
FILED  
  
MAY 07 2020  
  
MICHAEL JOSEPH DONOVAN  
CLERK OF COURT

**PLAINTIFFS' ASSENTED-TO MOTION FOR CLASS CERTIFICATION**

Now come Plaintiffs Stacy Foster, Jamie Kimball, Jonathan Riley, and Nicole Westcott, on behalf on themselves and a class of similarly situated persons whom they seek to represent and, pursuant to Mass. R. Civ. P. 23, respectfully request that this Honorable Court certify the following proposed class, consisting of all persons:

(a) who were convicted of state drug offenses under M.G.L. c. 94C; (b) whose convictions of such state drug offenses have, as of the date of class certification, been vacated and dismissed without the prospect of re-prosecution due to the misconduct of former state chemists Annie Dookhan in the Hinton drug lab and Sonja Farak in the Amherst drug lab; and (c) who, as a result of having their c. 94C conviction(s) vacated, could assert claims for monetary relief under *Nelson v. Colorado*, 137 S. Ct. 1249 (2017), and/or *Commonwealth v. Martinez*, 480 Mass. 777 (2018).

Through its counsel, the Commonwealth assents to this motion for class certification.

Notice sent  
5/18/2020  
A. L. S.  
K. B. D.  
W. W. F.  
F. & M., LLP.  
D. N. M.

(sc)

5/13/20 - APPROVED - Wilkinson, J.