

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SUSAN and PATRICK STOLL, MARY and CHARLES BOWLES, individually and on behalf of all persons similarly situated,

Plaintiffs,

-v-

KRAFT FOODS GLOBAL, INC.,

Defendant.

Case No. 09-CV-0364 LJM-DML

JURY TRIAL DEMANDED

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs, Susan and Patrick Stoll and Mary and Charles Bowles, by their undersigned counsel, pursuant to Rule 23 of the Federal Rules of Civil Procedure move this Court for the entry of an Order certifying this case as a class action. In support of this motion, Plaintiffs state as follows:

1. Plaintiffs in this case are residents of Attica, Indiana whose homes have been contaminated by toxic chemicals released at a nearby manufacturing facility formerly owned and operated by the Defendant. Individually and on behalf of a putative class, Plaintiffs in their First Amended Complaint assert a Federal RCRA claim and several Indiana state law claims (negligence, private nuisance, trespass, and willful and wanton misconduct).

2. Based on numerous and directly on-point authorities in this Judicial Circuit, and particularly the Seventh Circuit's certification decision in Mejdrech v. Met-Coil Systems Corp., 319 F.3d 910 (7th Cir. 2003), Plaintiffs request class certification.

3. Plaintiffs seek certification of the following class: all persons and non-governmental entities that own residential property or reside on property located within the geographical boundaries specified on the figure attached hereto as Exhibit 1.

4. Plaintiffs refer this Court to the contemporaneously filed Memorandum in Support of Plaintiffs' Motion for Class Certification, in which Plaintiffs demonstrate that class certification is warranted because each of the elements of Federal Rule 23(a) are met, and the requirements of each of Rules 23(b)(1), (b)(2), and (b)(3) are met as well.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order certifying this case as a class action.

Dated: July 2, 2009

**SUSAN and PATRICK STOLL,
MARY and CHARLES BOWLES,**
individually, and on behalf of all
persons similarly situated

By: s/ Norman B. Berger
One of Plaintiffs' Attorneys

Cory Brundage
Cory Brundage LLC
2500 One American Square
Indianapolis, Indiana 46282
(317) 639-4875

Shawn M. Collins
Edward J. Manzke
Aaron W. Rapier
THE COLLINS LAW FIRM, P.C.
1770 N. Park Street, Suite 200
Naperville, Illinois 60563
(630) 527-1595

Norman B. Berger
Michael D. Hayes
Anne E. Viner
VARGA BERGER LEDSKY HAYES & CASEY
A Professional Corporation
224 South Michigan Avenue, Suite 350
Chicago, Illinois 60604
(312) 341-9400

CERTIFICATE OF SERVICE

Norman B. Berger, an attorney, hereby certifies that a true and correct copy of the foregoing **Plaintiffs' Motion for Class Certification** was on July 2, 2009 electronically served on all counsel of record as a result of the CM/ECF filing of this document.

s/ Norman B. Berger