

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DANIEL FAORO,

Plaintiff,

v.

JEWISH VOICE FOR PEACE, INC., et al.,

Defendants.

No. 1:25-cv-289

ELECTRONICALLY FILED

**PLAINTIFF'S MOTION FOR CLASS CERTIFICATION AND APPOINTMENT
OF CLASS COUNSEL AND MEMORANDUM OF LAW IN SUPPORT**

Plaintiff Daniel Faoro moves this Court to certify two subclasses pursuant to Rule 23 of the Federal Rules of Civil Procedure and Local Rule 23.1, to appoint Faoro as class representative, and to appoint class counsel. In support of this motion, Plaintiff relies on the accompanying memorandum of law and declaration. A proposed order is attached for the Court's convenience. Plaintiff's counsel requests oral argument on this motion pursuant to Local Rule 7(f).

Given the early stage of the case, Plaintiff respectfully submits that proposing a plan for notice is premature and would likely need to be revisited as the case progresses. To date, not all parties have appeared in the case, no defendant has filed a responsive pleading, and no discovery has been taken. Accordingly, Plaintiff requests that the deadline for submitting a proposal for notice to the class members be set at a later date.

Statement Pursuant to Local Rule 7(m)

Plaintiff's counsel requested the position of defense counsel that have filed notices of appearances to determine if they oppose this motion and to meet and confer. Counsel for defendants Jewish Voice for Peace, Inc. and WESPAC Foundation, Inc. stated that they are opposed to the motion. No other defendants have provided their position.

Dated June 9, 2025

Respectfully submitted,

/s/ Anna St. John

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Introduction

Plaintiff Daniel Faoro filed this suit as a class action against organizational and individual defendants who conspired to unlawfully blockade multiple public highways, bridges, and roads in and leading into the District of Columbia on February 1, 2024, snarling traffic, trapping thousands of drivers and passengers in their vehicles, and impeding the use of public roads by himself and thousands of other commuters, drivers, and other travelers. Defendants took these actions and caused this harm willfully, intentionally, and gleefully, as they sought to disrupt everyday Americans' lives. Doing so deprived Faoro and thousands of others of their right to freely and safely travel on public highways and created life-threatening hazards for the surrounding communities.

Plaintiff Faoro seeks to hold those responsible for this harm responsible through his lawsuit alleging, on behalf of a putative class, claims of public nuisance, false imprisonment, and, in the alternative, negligence or recklessness. He now respectfully moves this Court under Federal Rules of Civil Procedure 23(a), (b)(2), and (b)(3), to certify the following two subclasses:

A (b)(2) class of "All drivers and passengers of vehicles traveling on the morning of February 1, 2024, between the hours of 8:00 a.m. and 11:00 a.m. in the District of Columbia; the City of Alexandria, Virginia; Arlington County, Virginia; and Fairfax County, Virginia, who were confined in their vehicles because of the actions blockading traffic in Washington, DC, and who routinely travel on a route affected by the blockade."

A (b)(3) class of "All drivers of vehicles traveling on the morning of February 1, 2024, between the hours of 8:00 a.m. and 11:00 a.m. in the District of Columbia; the City of Alexandria, Virginia; Arlington County, Virginia; and Fairfax County, Virginia, who were confined in their vehicles because of the actions blockading traffic in Washington, DC."

Excluded from the classes are judges or justices presiding over the case and their immediate family and their staff.

These proposed classes satisfy Rule 23's requirements.

First, this case presents the classic scenario for a class action and meets the four requirements of Federal Rule of Civil Procedure 23(a)—numerosity, commonality, typicality, and adequate representation. The defendants engaged in unlawful conduct that harmed thousands of individuals such that individual lawsuits would be too expensive and time-consuming given the relatively small individual damages; the putative classes' claims share common questions of fact and law; Faoro's claims are typical of those of the putative class members; and he has no conflicting interests with the classes and will faithfully represent the classes in prosecuting this action. *See* Section I.

Second, the proposed classes are maintainable under Rule 23(b)(2) and (b)(3). Under Rule 23(b)(2), Faoro seeks injunctive relief prohibiting defendants from further engaging in the unlawful conduct alleged in the complaint. As the complaint details, and as referenced below, defendants are anti-Israel activists who have a history of engaging in unlawful acts that impede everyday life and the normal operation of society for people who have nothing to do with the ongoing conflict. The requested injunctive relief, which will prevent defendants from engaging in future traffic blockades, makes Rule 23(b)(2) certification appropriate. It is indivisible relief that applies to defendants' activities that systemically harm Faoro and other members of the putative class of drivers and passengers on local public roads. *See* Section II.A.

Rule 23(b)(3) certification is appropriate because questions of law or fact common to the putative class members predominate over any questions affecting only individual class members. Defendants engaged in one set of illegal activity that resulted in the same form of harm to thousands of putative class members. All harmed individuals have to make the same showings, based on the same actions by defendants, and using the same generalized evidence, to succeed on the claims in this case. And, a class action is superior to other methods of adjudication of this controversy. The putative class is comprised of

thousands of individuals such that individual actions would not be likely, practical, or desirable; prosecuting the claims in a single action in the jurisdiction where the illegal activity occurred promotes efficiency and judicial economy; and the class action device does not present any unusual or unexpected difficulties for managing the litigation. *See* Section II.B.

Faoro also seeks the appointment of his counsel, attorneys with the public interest law firm Hamilton Lincoln Law Institute, as class counsel. These attorneys have dedicated substantial time and resources to investigate and research the case; have extensive experience with complex litigation, including class actions as well as a case pending in the U.S. District Court for the Northern District of Illinois arising out of a similar traffic blockade outside O'Hare Airport; and are fully committed to pursuing this litigation on behalf of Faoro and the class with the necessary resources. *See* Section III.

Factual Background

This case arises out of the February 1, 2024, traffic blockade that the defendants conspired and acted in concert to cause as part of their anti-Israel activism intended to disrupt daily life for anyone and everyone. Defendants and hundreds of their co-conspirators descended on several highways and roads in the District and blockaded traffic for up to two hours. This was part of a carefully planned and coordinated effort by defendants. With defendants and their co-conspirators blocking traffic at several critical chokepoints and exits of most of the major routes into downtown Washington, Foggy Bottom, and Capitol Hill, traffic into the District was impeded severely, and in many places, completely stopped for up to two hours. Thousands of commuters were late for or missed work or school, or missed critical appointments and important events. Commuters were trapped in their vehicles with no inkling as to when their freedom of movement would be restored or whether their plans for the day were salvageable. For his part, Faoro, a resident

of Fairfax County, Virginia, who works in the District and regularly commutes to his office by automobile, was stuck in his vehicle on Route 50 on February 1, 2024, unable to reach his office and ultimately navigating out of the blocked traffic to return home. *See* Compl., Dkt. 1 ¶¶ 34-36.

This traffic blockade is not an isolated illegal act of disruption taken by the defendants. In the aftermath of the October 7, 2023, attack by Hamas on Israel, the anti-Israel activists have engaged in numerous unlawful actions to interfere with the daily lives and legal rights of tens of thousands of people in and around the District of Columbia. For example, on October 18, 2023, activists, including members of defendant Jewish Voice for Peace, illegally occupied Congressional office buildings to disrupt Congress, resulting in 300 arrests.¹ In January 2024, at least four of the named defendants—Palestinian Youth Movement, Jewish Voice for Peace (as OccupationFreeDC), MD2Palestine, and the Party of Socialism & Liberation—were allegedly involved in impeding traffic on the George Washington Parkway and blocking access to Reagan National Airport.² Faoro details numerous other incidents in which anti-Israel activists engaged in similarly disruptive and unlawful activities in his complaint. *See* Compl., Dkt. 1 ¶¶ 3-4.

Faoro filed this lawsuit on January 31, 2025, as a class action to hold defendants accountable for their illegal activities that harmed him and thousands of others. He alleges that defendants are liable for public nuisance, false imprisonment, and, against defendant WESPAC for, in the alternative, negligence or recklessness and seeks both damages and injunctive relief, among other forms of relief.

¹ *See* Walter Morris, *3 arrested at pro-Palestinian rally outside Union Station*, NBC4Washington (Nov. 17, 2023), available at <https://tinyurl.com/mr2swz9p>.

² *See* Vivek Saxena, *Reagan National warns of delays due to pro-Hamas group in vehicles 'exercising 1A rights'*, Biz Pac Review (Jan. 21, 2024), available at <https://tinyurl.com/4mr6j7x3>.

Legal Standard

Federal Rule of Civil Procedure 23 authorizes federal courts to determine, “[a]t an early practicable time after a person sues” as a class representative, “whether to certify the action as a class action.” Fed. R. Civ. P. 23(c)(1)(A); *see In re White*, 64 F.4th 302, 304 (D.C. Cir. 2023). Certification requires the plaintiff show the proposed class meets the “indispensable ‘prerequisites’” of Rule 23(a): numerosity, commonality, typicality, and adequacy. *In re White*, 64 F.4th at 313 (citation omitted); Fed. R. Civ. P. 23(a)(1)-(4).

If met, the plaintiff must then show that the case also “qualif[ies] as one of three specified ‘types of class actions’” in Rule 23(b). *Harris v. Med. Transp. Mgmt., Inc.*, 77 F.4th 746, 752 (D.C. Cir. 2023). Relevant here, plaintiff Faoro seeks certification of classes under Rules 23(b)(2) and (b)(3).

Upon certifying a class, a court “must appoint class counsel.” Fed R. Civ. P. 23(g). In appointing class counsel, the court must consider: “(i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel’s knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class.” Fed R. Civ. P. 23(g)(1)(A). The court also “may consider any other matter pertinent to counsel’s ability to fairly and adequately represent the interests of the class.” Fed R. Civ. P. 23(g)(1)(B). The court may only appoint an applicant for class counsel if the applicant is adequate under these standards of Rule 23(g)(1), and if the applicant can fulfill Rule 23(g)(4)’s requirement that they “fairly and adequately represent the interests of the class.”

Argument

A plaintiff whose suit meets the requirements of Rule 23 has a “categorical” right “to pursue his claim as a class action.” *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*,

559 U.S. 393, 398 (2010). To meet these requirements, the “suit must satisfy the criteria set forth in [Rule 23(a)] (*i.e.*, numerosity, commonality, typicality, and adequacy of representation), and it also must fit into one of the three categories described in subdivision (b).” *Id.* This action satisfies all of Rule 23’s requirements for certification.³

The proposed classes is defined as follows:

(b)(2) class: “All drivers and passengers of vehicles traveling on the morning of February 1, 2024, between the hours of 8:00 a.m. and 11:00 a.m. in the District of Columbia; the City of Alexandria, Virginia; Arlington County, Virginia; and Fairfax County, Virginia, who were confined in their vehicles because of the actions blockading traffic in Washington, DC, and who routinely travel on a route affected by the blockade.”

(b)(3) class: “All drivers of vehicles traveling on the morning of February 1, 2024, between the hours of 8:00 a.m. and 11:00 a.m. in the District of Columbia; the City of Alexandria, Virginia; Arlington County, Virginia; and Fairfax County, Virginia, who were confined in their vehicles because of the actions blockading traffic in Washington, DC.”

Excluded from the classes are judges or justices presiding over the case and their immediate family and their staff.

Faoro respectfully asks the Court to certify the classes and appoint Daniel Faoro as Class Representative and the Hamilton Lincoln Law Institute (“HLLI”) as Class Counsel, as both will adequately represent the interests of the class and have the requisite capabilities, interests, and absence of conflicts to serve in these roles.

³ This Circuit has not adopted the extra-textual Rule 23 requirements of certain other circuits such that a class be ascertainable. *In re White*, 64 F.4th 302 (“the textual requirements are Rule 23 are fully capable of guarding against unwise uses of the class action mechanism.”). To the extent the Court considers the ascertainability of the proposed class, this requirement is met as well because the identify of travelers who meet the class definition can be determined with objective criteria. *See In re McCormick & Co.*, 422 F. Supp. 3d 194, 241-42 (D.D.C. 2019).

I. The Proposed Classes Satisfy the Rule 23(a) Requirements.

A party seeking certification of a proposed class must demonstrate that the class satisfies the four requirements of Rule 23(a):

- (1) The class is so numerous that joinder of all members is impracticable (“numerosity”);
- (2) There are questions of law or fact common to the class (“commonality”);
- (3) The claims or defenses of the representative parties are typical of the claims or defenses of the class (“typicality”); and
- (4) The representative parties will fairly and adequately protect the interests of the class (“adequacy”).

A. The proposed classes satisfy the numerosity requirement.

The proposed classes satisfy the requirement that a class be “so numerous that joinder of all members is impracticable.” Fed. R. Civ. P. 23(a)(1). Rule 23’s “‘core requirement is that joinder be impracticable’ and numerosity merely ‘provides an obvious situation in which joinder may be impracticable.’” *Coleman through Bunn v. District of Columbia*, 306 F.R.D. 68, 76 (D.D.C. 2015) (quoting Newberg on Class Actions § 3:11 (5th ed. 2014)). “Impracticable” “means only that it is difficult or inconvenient”—not impossible—to join all class members. *Id.*

Numerosity “requires examination of the specific facts of each case and imposes no absolute limitations.” *Harris*, 77 F.4th at 759 (quoting *Gen. Tel. Co. of the Nw., Inc. v. EEOC*, 446 U.S. 318, 330 (1980)). In other words, “[t]here is no specific threshold that must be surpassed in order to satisfy the numerosity requirement; rather, each decision turns on the particularized circumstances of the case.” *Disability Rights Council of Greater Wash. v. Wash. Metro. Area Transit Auth.*, 239 F.R.D. 9, 25 (D.D.C. 2006). This Court has “generally found that the numerosity requirement is satisfied . . . where a proposed class has at least

forty members.” *Radosti v. Envision EMI, LLC*, 717 F. Supp. 2d 37, 51 (D.D.C. 2010) (citing *Bynum v. District of Columbia*, 214 F.R.D. 27, 32 (D.D.C. 2003)).

Further, “a plaintiff may satisfy the requirement by supplying estimates, rather than a precise number, of putative class members.” *Ramirez v. U.S. Immigration & Customs Enforcement*, 338 F. Supp. 3d 1, 44 (D.D.C. 2018). As long as there is a “reasonable basis for the estimate provided,” numerosity may be satisfied. *Kifafi v. Hilton Hotels Ret. Plan*, 189 F.R.D. 174, 176 (D.D.C. 1999). The Court may also “draw reasonable inferences from the facts presented to find the requisite numerosity.” *Coleman*, 306 F.R.D. at 76 (quoting *McCuin v. Sec’y of Health & Hum. Servs.*, 817 F.2d 161, 167 (1st Cir. 1987)); see also *Damus v. Nielsen*, 313 F. Supp. 3d 317, 350 (D.D.C. 2018) (“Plaintiffs need not prove exactly how many people fall within the class to merit certification.”).

The proposed classes are sufficiently numerous because the approximate number of class members in each exceeds 10,000. Routes 66 and 50 are among the routes on which drivers and passengers travel through and from Virginia to Washington, DC, and are among the routes severely impacted by the February 1, 2024, traffic blockade. In 2023, Route 66 eastbound from Northern Virginia into Washington, D.C. averaged 15,235 trips during morning rush hour. Virginia Dep’t of Trans., I-66 Express Lanes Inside the Beltway, Performance Report for 2023, p.1.⁴ While Route 50, on which Faoro was traveling when he was trapped by defendants, averages almost 3,500 cars per hour during peak morning traffic. Virginia Dep’t of Trans, Route 50 STARS Safety and Operation Improvements Study – Arlington County, Final Traffic Report, p.10;⁵ Compl., Dkt. 1 at ¶ 36. With somewhere around 20,000 commuting vehicles on just two of the affected arteries suffering at the hands of defendants and their co-conspirators tortious actions, it certainly would be

⁴ Available at <https://tinyurl.com/bdz3dkcp>.

⁵ Available at <https://tinyurl.com/43t45wnf>.

beyond difficult and inconvenient to join the tens of thousands (if not more) of class members individually in an action. Thus, Rule 23's numerosity requirement is readily met.

B. There are issues of law and fact common to all class members.

The proposed classes satisfy the requirement that there be "questions of law or fact common to the class." Fed. Civ. R. P. 23(a)(2). The commonality factor is satisfied if the class members have suffered the same injury. *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 349-50 (2011). What matters for this inquiry is "the capacity of a classwide proceeding to generate common *answers* apt to drive the resolution of the litigation." *Id.* at 350 (internal quotation marks omitted). The class members' claims "must depend upon a common contention" that is "capable of classwide resolution—which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke." *Id.*

Rule 23(a)(2)'s commonality requirement "does not require that all questions be common to the class"; "even a single common question will do." *D.L. v. District of Columbia*, 713 F.3d 120, 128 (D.C. Cir. 2013) (quoting *Wal-Mart Stores*, 564 U.S. at 359). Thus, "the facts and claims of each class member do not have to be identical to support a finding of" either commonality or typicality. *In re Vitamins Antitrust Litig.*, 209 F.R.D. 251, 260 (D.D.C. 2002) (quoting *Thomas v. Albright*, 139 F.3d 227, 238 (D.C. Cir. 1998)). What ultimately matters is whether a class-wide proceeding will "generate common *answers* apt to drive the resolution of the litigation." *Wal-Mart Stores*, 564 U.S. at 350.

Here, the common questions of law and fact predominate over any individual questions affecting class members. Common questions of law include but are not limited to (1) whether the defendants acted in concert and conspired to cause the traffic blockade that disrupted plaintiffs' public right to travel on public roads and restrained them to their vehicles so as deprive plaintiffs of physical liberty; (2) whether defendants disrupted plaintiffs' right to travel in a way that is not justifiable; (3) whether the defendants acted in

concert and conspired to cause the traffic blockade; and (4) whether defendant WESPAC is legally liable for the activities of defendant Palestinian Youth Movement or, in the alternative, negligently or recklessly breached its duty to control and supervise the activities of PYM, and is thus liable for PYM's acts.

Common questions of facts include but are not limited to whether the defendants acted, in concert, to inhibit freedom of movement on public roads in the District of Columbia, City of Alexandria, Virginia, and Arlington County, Virginia on February 1, 2024; whether freedom of movement on those public roads was inhibited; and whether class members suffered harm from their confinement to their vehicles for hours during defendants' traffic blockade.

Defendants will likely raise the First Amendment as a defense to Faoro's claims. Again, this defense is subject to a classwide response. No cause of action is based on First-Amendment-protected activity. The class seeks redress not for defendants' speech but for their conduct. The First Amendment "does not extend to joining with others for the purpose of depriving third parties of their lawful rights." *Madsen v. Women's Health Ctr.*, 512 U.S. 753, 776 (1994). The Supreme Court has long held that freedom of speech does not apply to blockades of public streets or buildings. *Cox v. Louisiana*, 379 U.S. 536, 555 (1965). There is thus nothing individualized about the class members' defense against defendants' expected defense to the claims.

Any of these multiple common questions of law and fact satisfies Rule 23's commonality requirement. The questions are capable of classwide resolution and a common answer for each class member. Any factual variation among the particular circumstances of each class members' commute or confinement is simply insufficient to defeat the commonality requirement, "so long as a single aspect or feature of the claim is common to all proposed class members," as we have here. *Hardy v. District of Columbia*, 283 F.R.D. 20, 24 (D.D.C. 2012).

C. The proposed classes satisfy the typicality requirement.

Faoro's claims are "typical of the claims . . . of the class." Fed. R. Civ. P. 23(a)(3). "The purpose of this requirement is to ensure 'that the class representatives have suffered injuries in the same general fashion as absent class members.'" *In re Vitamins Antitrust Litig.*, 209 F.R.D. at 260 (quoting *Thomas*, 139 F.3d at 238). "The typicality requirement is satisfied 'if each class member's claim arises from the same course of events that led to the claims of the representatives parties and each class member makes similar legal arguments to prove the defendant's liability.'" *Id.* This "liberally construed" requirement, *id.*, "tend[s] to merge" with the commonality requirement. *Gen. Tel. Co. of Sw. v. Falcon*, 457 U.S. 147, 158 n.13 (1982). "Both serve as guideposts for determining whether under the particular circumstances maintenance of a class action is economical and whether the named plaintiff's claims and the class claims are so interrelated that the interests of the class members will be fairly and adequately protected in their absence." *Id.*

Faoro has the same interests in this matter as all the other members of the classes and his claims are typical of all the members of the classes. Faoro asserts the same public nuisance, false imprisonment, and negligence or recklessness causes of action as the members of the proposed classes. The claims of the Faoro and the other class members have a common cause and their damages are of the same type. The claims originate from the same unlawful, willful and concerted actions of the defendants. Like Faoro, all class members have suffered injury in fact because they were unlawfully confined to their vehicles and/or defendants' actions thus unreasonably interfered with their right to freely travel on public roads and highways.

If brought and prosecuted individually, the claims of each class member would require proof of many of the same material and substantive facts, utilize the same evidence, rely upon the same legal theories and seek the same type of relief. Faoro's claims are

typical of the claims of every class member he seeks to represent, and this requirement of Rule 23 is met.

D. The adequacy requirement is satisfied.

Plaintiff will “fairly and adequately protect the interests of the class[es].” Fed. R. Civ. P. 23(a)(4). Rule 23’s adequacy requirement imposes two criteria on plaintiffs seeking to represent a class: “(1) the named representative must not have antagonistic or conflicting interests with the unnamed members of the class, and (2) the representative must appear able to vigorously prosecute the interests of the class through qualified counsel.” *Twelve John Does v. District of Columbia*, 117 F.3d 571, 575 (D.C. Cir. 1997). The purpose of the adequacy requirement is “to uncover conflicts of interest between named parties and the class they seek to represent.” *Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 625 (1997). Plaintiffs and their counsel satisfy these requirements.

Faoro will fairly and adequately protect the interests of the proposed classes. His claims are aligned with the interests of absent class members to ensure that the class claims will be prosecuted with diligence and care by Faoro as representative. He seeks no unique or additional benefit from this litigation that may make his interests different from or adverse to the claims of absent class members. His objective is to secure damages for all (b)(3) class members and injunctive relief that will protect all (b)(2) class members and others similarly situated from defendants’ recurring future acts to illegally block roads and create similar public nuisances in and around the District of Columbia and Northern Virginia. He has no interests adverse to the class in any way; rather, his interests are fully aligned with the class members.

Similarly, proposed class counsel will be able to prosecute this case vigorously and adequately protect the interests of the absent class members. *See* Section III below, discussing Rule 23(g).

II. Class Certification is Appropriate Under Rule 23(b)(2) and Rule 23(b)(3).

Beyond the Rule 23(a) requirements, a proposed class must meet the requirements of at least one of the Rule (b) subsections. Faoro seeks certification under Rule 23(b)(2) and Rule 23(b)(3).

A. The proposed class meets the requirement of Rule 23(b)(2).

Rule 23(b)(2) applies when the opposing party “has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2). “The touchstone is whether relief is ‘indivisible’—that is, whether ‘the conduct can be enjoined or declared unlawful only as to all of the class members or as to none of them.” *Davis v. U.S. Parole Comm’n*, 2025 WL 457779, 2025 U.S. Dist. LEXIS 24577, at *23 (D.D.C. Feb. 11, 2025) (quoting *Wal-Mart Stores*, 564 U.S. at 360). For Rule 23(b)(2) certification, “two elements must exist: (1) the defendant’s action or refusal to act must be generally applicable to the class; and (2) plaintiff must seek final injunctive relief or corresponding declaratory relief on behalf of the class.” *Lightfoot v. District of Columbia*, 246 F.R.D. 326, 341 (D.D.C. 2007) (internal quotation marks omitted). More simply, (b)(2) certification is appropriate “when a single injunction or declaratory judgment would provide relief to each member of the class.” *Wal-Mart Stores*, 564 U.S. at 360.

Rule 23(b)(2) certification is appropriate here, where “‘a single practice’ caused each class member’s injury.” *Garnett v. Zeilinger*, 301 F. Supp. 3d 199, 211 (D.D.C. 2018) (Rule 23(b)(2) satisfied where systemic failure to process applications). The defendants acted in concert to illegally blockade traffic, impeding the (b)(2) class members’ ability to travel on public roads. Faoro alleges that defendants organized and conspired to create and did create, through their conspiracy and their concerted actions in furtherance of the conspiracy, a public nuisance in the District of Columbia, the City of Alexandria, Virginia, and Arlington County, Virginia, for over two hours. Compl., Dkt. 1 ¶ 76. He alleges that

defendants' conduct inhibited freedom of movement, with Faoro and thousands of others deprived of their right to freely travel public roads and highways without unreasonable interference. *Id.* As a result, Faoro and others impeded by the illegal traffic blockade suffered damages, and seek an injunction against defendants' engagement in future illegal blockades of roads and similar public nuisances, given that defendants proudly promoted the illegal blockade and have engaged in similar actions in the past. *Id.* ¶¶ 78-79. The claims hinge on a set of activities with system-wide effects. "If the Complaint is correct, the same injunctive remedy is necessary for each class member. But if the Complaint is incorrect, it fails for all members in unison." *Davis*, 2025 U.S. Dist. LEXIS 24577, at *23 (finding 23(b)(2) satisfied).

On behalf of the class, Faoro is seeking injunctive relief to prohibit defendants from further engaging in the unlawful conduct alleged in his complaint, *i.e.*, illegally blockading traffic and working in concert with other defendants to do so. *See* Compl., Dkt. 1 at 22. Such injunctive relief will apply to all (b)(2) class members, who were harmed by defendants' illegal conduct and will benefit by an order prohibiting defendants from re-engaging in that same conduct, which they are otherwise likely to engage in. Rule 23(b)(2) certification is proper.

B. The proposed class meets the requirements of Rule 23(b)(3).

Under Rule 23(b)(3), a plaintiff must show that "questions of law or fact common to class members predominate over any questions affecting only individual members" and that "a class action is superior to other available methods for fairly and efficiently adjudicating the controversy." Faoro makes that showing here.

1. Common issues predominate.

The predominance requirement generally is met "when there exists generalized evidence which proves or disproves an element on a simultaneous, class-wide basis, since such proof obviates the need to examine each class members' individual position."

Vitamins Antitrust Litig., 209 F.R.D. at 262 (quoting *In re Potash Antitrust Litig.*, 159 F.R.D. 682, 693 (D. Minn. 1995)). “[T]he common issues identified as sufficient under Rule 23(a) must be shown by the plaintiffs to predominate over the non-common issues,” though “the common issues do not have to be shown to be dispositive.” *Id.*

Here, the facts and law underlying Faoro’s claims are the same for all (b)(3) class members. Faoro and each of the members of the class were impeded in their right to travel on public roads and confined to their vehicles on February 1, 2024, because of defendants’ concerted actions to illegally blockade traffic. The same actions by the defendants harmed each member of the class, and each person would rely on the same generalized evidence to prove defendants’ liability. Therefore, common issues of law and fact predominate in the resolution of each of the two counts in the complaint for which the class seeks monetary damages.

False Imprisonment.

Faoro alleges that as a direct and foreseeable result of defendants’ conspiracy and concerted actions on February 1, 2024, plaintiff and class members were falsely imprisoned in that they were restrained and deprived of their physical liberty without consent or legal justification. Compl., Dkt. 1 ¶ 81. As a result of this deprivation of their physical liberty, Faoro and others impeded by the illegal traffic blockade suffered damages, and seek those damages, which include compensatory and punitive damages, as well as an injunction. *Id.* ¶¶ 82-83.

The focus of these claims is on the actions of the defendants in creating the illegal traffic blockades. Thus, the resolution of the false imprisonment claim depends upon facts and law that are common to the class—defendants’ actions depriving the plaintiffs of their physical liberty through the illegal road blockades. There are no individualized issues with respect to each class member because defendants’ tortious conduct is a uniform action to all members of the putative class.

Negligence or Recklessness. Faoro alleges that WESPAC, as its fiscal sponsor, is liable for the actions of Palestinian Youth Movement, which has no separate independent corporate entity, as a matter of law. But in the alternative, Faoro alleges that as defendant Palestinian Youth Movement's fiscal sponsor during the relevant time, defendant WESPAC had a legal duty to control or supervise the activities of PYM. WESPAC is thus liable for the acts of PYM, whether it is because WESPAC is during the relevant times the alter ego of PYM; because WESPAC controlled and supervised PYM's activities; or, in the alternative, because WESPAC negligently or recklessly breached its duty to control and supervise the activities of PYM, whose foreseeable illegal actions caused foreseeable injury to Faoro and the class, causing damages. Compl., Dkt. 1 ¶ 85.

The predominance factor is met again with respect to the claim in the alternative of negligence or recklessness. The case centers on WESPAC's relationship and actions with respect to PYM. There are no individualized issues with respect to each class member because defendants' tortious conduct is a uniform action to all members of the putative class.

For all (b)(3) claims, the measure of damages is amenable to class treatment. They can be calculated pursuant to a common methodology and demonstrated through expert opinion as to the measure of damages for lost wages or income; loss of time that could have been spent on other more productive or enjoyable matters; loss of personal freedom; and annoyance, inconvenience, physical discomfort, anxiety, and emotional distress by being confined in a stationary vehicle for an unreasonable and then-uncertain period of time. And the punitive damages analysis will focus on defendants' actions—not issues unique to individual class members—as such damages are intended “to punish a defendant for particularly egregious conduct, and to serve as a deterrent to future conduct of the same type.” *Cooper v. Hartford Fin. Servs. Group, Inc.*, 2005 U.S. Dist. LEXIS 11434, *19 (D.D.C. June 9, 2005). In any event, the dominant issue here is liability. “That issue dwarfs whatever

unique issues might arise [at] the damages stage. To the extent the plaintiffs' claims may give rise to differing damages calculations, those determinations can be resolved in a subsequent stage of litigation." *Black Lives Matter D.C. v. United States*, No. 20-cv-1469, 2025 U.S. Dist. LEXIS 47417 (D.D.C. Mar. 14, 2025) (common issues predominated in class action against DC police department arising out of events during Black Lives Matter protests); *see also Barnes v. District of Columbia*, 242 F.R.D. 113, 123 (D.D.C. 2007). Circuit precedent does not allow "the mere fact that damage awards will ultimately require individualized fact determinations" to preclude class certification. *Coleman*, 306 F.R.D. at 85 (citing *McCarthy v. Kleindienst*, 741 F.2d 1406, 1415 (D.C. Cir. 1984)).

2. A class action is superior to other methods of adjudication.

Rule 23(b)(3) also requires a plaintiff to show that "a class action is superior to other available methods for fairly and efficiently adjudicating the controversy." This requirement "reinforce[s] the point that the court with the aid of the parties ought to assess the relative advantages of alternative procedures for handling the total controversy." Advisory Committee's Note to 1996 Amendment to Rule 23, 39 F.R.D. 69, 103 (1966). "The purpose of the superiority requirement is to ensure that resolution by class action will achieve economies of time, effort, and expense as well as promote uniformity of decision as to persons similarly situated, without sacrificing procedural fairness or bringing about other undesirable consequences." *Alvarez v. Keystone Plus Constr. Corp.*, 303 F.R.D. 152, 162 (D.D.C. 2014) (cleaned up).

The relevant considerations "include"

- (A) the class members' interests in individually controlling the prosecution or defense of separate actions;
- (B) the extent and nature of any litigation concerning the controversy already begun by or against class members;
- (C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and

(D) the likely difficulties in managing a class action.

Fed. R. Civ. P. 23(b)(3).

The superiority requirement is met here. First, the number of putative class members is too large and the individual claims too small for the prosecution of separate actions by each putative class member to be likely, practical, or desirable. Tens of thousands of putative class members were harmed by defendants' concerted actions causing the traffic blockade. Given the expense of bringing a lawsuit, their claims for damages for lost wages, missed appointments, missed flights, and the like are too small to justify the time and expense each class member would incur to bring an individual lawsuit. Second, Faoro is unaware of any other case bringing these or related claims arising out of the February 1, 2024, traffic blockade against these defendants, making this class action the only way these class members will achieve relief for their harm. Third, it is desirable to concentrate the litigation of claims in a single action in the District of Columbia, where the traffic blockade took place, and to promote efficiency and judicial economy, rather than in multiple forums where the effects extended and which could result in conflicting judgments. Finally, Faoro does not foresee any unusual difficulties in managing this class action, which involves a single traffic blockade on February 1, 2024. Any complexity is preferable to inundating the court with thousands of individual lawsuits with overlapping factual allegations and all involving the same proof to establish defendants' unlawful conduct.

The class action device is superior here under Rule 23(b)(3), as it offers economies of time, effort, and expense for the litigants as well as for the Court. It will permit class members to aggregate their claims and thus enable them to seek legal recourse for the harm they suffered from defendants' unlawful acts.

III. The Court Should Designate Plaintiffs' Counsel as Class Counsel.

"[A] court that certifies a class must appoint class counsel." Fed. R. Civ. P. 23(g). In making this appointment, a court must consider: "(i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel's knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class." Fed. R. Civ. P. 23(g)(1)(A).

Here, proposed class counsel thoroughly investigated the claims, defendants, and background concerning the February 1, 2024, illegal traffic blockade before filing their complaint. Proposed class counsel have extensive experience with class actions. They are public-interest attorneys with HLLI, whose Center for Class Action Fairness has increased class members' recovery by hundreds of millions of dollars and created dozens of legal precedents that have increased class members' protections since its founding in 2009. As demonstrated in the Declaration of Anna St. John, they have decades of litigation experience among them, and that experience includes the U.S. Attorney's Office, Big Law, federal clerkships, and a deep base of knowledge regarding class-action law. In addition, HLLI filed another class-action lawsuit arising from a similar traffic blockade of the main entrance into O'Hare International Airport in Chicago by anti-Israeli activists on April 15, 2024, which snarled traffic for three hours and trapped innocent travelers in their cars. *Manhart v. Nat'l Students for Justice in Palestine*, No. 1:24-cv-08209 (N.D. Ill.). The plaintiff in *Manhart* also alleges false imprisonment and negligence or recklessness, among other claims, and makes these allegations against defendants that include Jewish Voice for Peace, Dissenters, and WESPAC, which are also defendants in the present case. Proposed class counsel thus is knowledgeable as to the claims at issue in this case as well as the defendants and their litigation tactics.

To date, HLLI has dedicated significant time and resources towards the case, is fully committed to its fiduciary responsibilities to its client, Mr. Faoro, and to the putative classes, and will continue to commit the resources necessary to represent the class.

Conclusion

For these reasons, Faoro respectfully asks the Court to grant his motion for class certification and appointment of class counsel.

Dated: June 9, 2025

Respectfully submitted,

By: /s/ Anna St. John
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Certificate of Service

I certify that on June 9, 2025 I served a copy of the above on all counsel of record by filing a copy via the ECF system.

Additionally, I served a copy of this motion and the accompanying documents on by first-class U.S. Mail to the following recipients:

<i>Defendants Harriet's Wildest Dreams, Inc. and Dornethia "Nee Nee" Taylor:</i> Harriet's Wildest Dreams, Inc. Dornethia "Nee Nee" Taylor 6368 Coventry Way, Suite 313 Clinton, MD 20735-2265 Harriet's Wildest Dreams, Inc. Dornethia "Nee Nee" Taylor 3215 Martin Luther King, Ave., SE, Washington, DC 20032	<i>Defendants Hannah Shraim and Maryland2Palestine:</i> Mr. Abdel-Rahman Hamed, Esq. Attn: Hannah Shraim and Maryland2Palestine P.O. Box 25085 Washington, DC 20027 Email: abdelrahman@hamedlaw.com
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Dated: June 9, 2025

/s/ Anna St. John

Anna St. John