

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT OF
THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ACLU,

Plaintiff,

VS.

NO. 2:17-CV-02120

CITY OF MEMPHIS,

Defendant.

AUGUST 20, 2018

DEPOSITION
OF
BRUCE KRAMER

ORIGINAL

JANIS H. McMASTER, LCR
RIVERSIDE REPORTING
(901) 755-6489

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The Deposition of BRUCE KRAMER, taken on behalf of the Defendant the 20th day of August 2018 pursuant to notice and consent of counsel, beginning at approximately 7:01 p.m., at the law offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., Attorneys at Law, 165 Madison Avenue, Suite 2000, Memphis, Tennessee 38103.

This deposition is taken pursuant to the terms and provisions of the Federal Rules of Civil Procedure.

All forms and formalities, including the signature of the witness, are waived, and objections alone as to matters of incompetency, irrelevancy and immateriality of the testimony are reserved, to be presented and disposed of at or before the hearing.

1 Q. I know we -- the papers got shuffled in a
2 hurry. I apologize is it one (indicating), the
3 memorandum --

4 A. Yeah.

5 Q. -- to Kendrick Team dated April 27th
6 1977?

7 A. Yes.

8 MS. SILK: Okay. We'll mark
9 this one as Exhibit 2.

10 (WHEREUPON, the above-mentioned
11 MEMORANDUM - APRIL 27, 1977, was
12 marked as Kramer Exhibit No. 2 and is
13 attached hereto.)

14 Q. (By Ms. Silk) Okay. And this is a
15 memorandum to the Kendrick Team from Jack Novik. Are
16 you a recipient of this?

17 A. Yes.

18 Q. Is your name anywhere on here?

19 A. No, but that's how I got this in my files.

20 Q. And how is that exactly?

21 A. Because I was part of the Kendrick Team.

22 Q. And who all was on the Kendrick Team?

23 A. Myself, Mr. Novik and Alex Hurder.

24 Q. And who is Alex -- how do you spell

1 Hurder?

2 A. H-U-R-D-E-R.

3 Q. And who is Alex Hurder; what's his --

4 A. Alex --

5 Q. -- relation?

6 A. Alex Hurder is an attorney. He was an
7 attorney in Memphis, and he represented Michael Honey
8 in the original Kendrick complaint.

9 Q. And who did Jack Novik represent?

10 A. Mr. Novik and I represented the ACLU of
11 Tennessee.

12 Q. Okay. I don't know that I have a copy of
13 this but I'm going to pull the Kendrick complaint.
14 Wait a second.

15 MS. SILK: Do you have a
16 clean copy?

17 MR. CASTELLI: I doubt it but
18 I think the Court now has my copy
19 but I'll look.

20 MR. WELLFORD: I can go get
21 one.

22 MS. SILK: Okay. I have one
23 with highlights on it but....

24 Never mind, Buck. I've got

1 one.

2 THE WITNESS: Buck --

3 MS. SILK: I've got one.

4 THE WITNESS: She's got one.

5 (Discussion held off the record.)

6 MS. SILK: Okay. Please mark
7 the complaint as the next exhibit.

8 (WHEREUPON, the above-mentioned
9 COMPLAINT was marked as Kramer Exhibit
10 No. 3 and is attached hereto.)

11 Q. (By Ms. Silk) Can you look at that last
12 page of the Kendrick complaint and tell me what --
13 where you signed it. Find the page that you signed
14 it, please, and tell me to which entity you have
15 signed as representative for.

16 A. Attorney for American Civil Liberties
17 Union in West Tennessee, Inc.

18 Q. So not the American Civil Liberties Union
19 in Tennessee, Inc.?

20 A. I just read it. It says Attorney for the
21 American Civil Liberties Union in West Tennessee,
22 Inc.

23 Q. I understand that. And so, in response
24 to my last question about the members of the Kendrick

1 Team, you said Jack Novik and I represented ACLU of
2 Tennessee?

3 A. That's what I said.

4 Q. So my point is they're different,
5 correct?

6 A. Well, Mr. Novik signed it along with Mel
7 Wolf for the American Civil -- Civil Liberties
8 Foundation but we were representing the plaintiff,
9 Chan Kendrick, John Doe and the American Civil
10 Liberties Union in West Tennessee, Inc.

11 Q. Okay. So you were not representing
12 American Civil Liberties Union in Tennessee, Inc.?

13 A. That's -- I answered it as to who I
14 represented.

15 Q. Okay. Now I want to take a look at that
16 Kendrick decree, the consent decree that was entered
17 into in 1978.

18 MS. SILK: Mark this as the
19 next exhibit, please.

20 Q. (By Ms. Silk) Here you go. You can take
21 a look at it. You are a signatory to the consent
22 decree in your capacity as an attorney?

23 A. Yeah. I'm mark going to have her mark it.
24 It hasn't been marked yet.