

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

ACLU OF TENNESSEE,)	
)	
Intervening Plaintiff,)	
v.)	No. 2:17-cv-02120-JPM-dkv
)	
THE CITY OF MEMPHIS,)	
)	
Defendant.)	

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
ON THE ISSUE OF CONTEMPT**

Defendant, the City of Memphis ("the City"), by and through counsel, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, moves for summary judgment on the issue of contempt. There is no clear and convincing evidence that the City has violated the provisions of the Court's Order, Judgment, and Decree in *Kendrick, et. al. v. Chandler et al*, No. C76-449 (W.D. Tenn. 1978) (hereafter the "Consent Decree"), and the Court should find that the City is entitled to a judgment as a matter of law on the issue of contempt.

In support of its Motion, the City states as follows:

1. The facts material to the issue of the City's compliance with the Consent Decree are undisputed, and these facts demonstrate that the City is entitled to judgment as a matter of law;
2. American Civil Liberties Union of Tennessee, Inc. ("ACLU-TN") has not and cannot present proof sufficient to establish that the City has been in contempt of the Consent Decree.
3. ACLU-TN is entitled to no relief whatsoever under the Order, Judgment and Decree entered by this Court in *Kendrick, et. al. v. Chandler et al*, No. C76-449 (W.D. Tenn. 1978) (hereafter the "Consent Decree");

4. The City supports this Motion with its contemporaneously filed Statement of Undisputed Material Facts, Memorandum in Support of Motion for Summary Judgment, and the entire record in this cause.

WHEREFORE, the City respectfully requests that this Court dismiss ACLU-TN's Intervening Complaint, and all claims embraced therein.

Respectfully submitted,

/s/ Buckner Wellford

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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2018, the foregoing was served via the Court's ECF system to the following counsel of record:

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/s/ Buckner Wellford
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