

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

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|--------------------------------------|---|---------------------------|
| ELAINE BLANCHARD, KEEDRAN |) | |
| FRANKLIN, PAUL GARNER and BRADLEY |) | |
| WATKINS, (Dismissed per Court Order) |) | |
| Plaintiffs, |) | |
| |) | |
| and |) | |
| |) | |
| ACLU OF TENNESSEE, Inc. |) | |
| Intervening Plaintiff, |) | |
| |) | No. 2:17-cv-02120-jpm-DKV |
| v. |) | |
| |) | |
| THE CITY OF MEMPHIS, |) | |
| Defendant. |) | |
| |) | |

**ACLU OF TENNESSEE, INC.’S MOTION FOR REVISION OF INTERLOCUTORY
ORDER PURSUANT TO LOCAL RULE 7.3 AND FED. R. CIV. P. 54(b)**

Intervening Plaintiff, ACLU of Tennessee, Inc. moves the Court to withdraw its Order Granting Motion for *In Camera* Review (ECF No. 95). until the Court has considered ACLU-TN’s response to the motion.

1. Defendant City of Memphis filed its Motion for *In Camera* Review (ECF No. 86), on July 2, 2018.
2. The Court granted Defendant’s motion under a mistaken belief that the Defendant’s Certificate of Consultation indicated that Plaintiff did not oppose the relief sought in the Motion.
3. Plaintiff’s counsel, when conferring with Defendant’s counsel on the Motion intended to reserve Plaintiff’s right to respond and object to the Motion once counsel had the opportunity to review the arguments made by Defendant in their Motion.

4. The parties have consulted on this Motion and agree that the Certificate of Consultation in Defendant's Motion for *In Camera* Review accurately captures the conversation of counsel. Upon review of the Court's Order of July 12, 2018 on the Motion, however, the parties agree that the conversation may not have accurately conveyed the scope of the parties' understanding of the Plaintiff's position, which is that while Plaintiff did not object to the Defendant seeking the relief requested of being allowed to file affidavits for *in camera* review, the Plaintiff would then file a substantive response objecting to the propriety of the *in camera* review. The Defendant does not oppose the relief requested herein, which is that the Court permit the Plaintiff to file such a substantive response before ruling on the Motion for *In Camera* Review.

5. The Local Rule 7.2(a)(2) provides that responses to a motion "shall be filed within 14 days of the motion."

6. Plaintiff's deadline to respond to the motion is Monday, July 16, 2018.

7. Local Rule 7.3(b) allows a party to move the court for revision of interlocutory orders.

8. Revision is proper in this case to allow Plaintiff its opportunity to be heard by the Court on Defendant's Motion within the time period allowed by Local Rule 7.2(a)(2).

9. Plaintiff's Response to Defendant's Motion for *In Camera* Review is attached to this Motion.

Wherefore, the Plaintiff asks that the Court withdraw its Order granting the Defendant's Motion for *In Camera* Review, that the attached Response be filed on the docket and that the Court consider Plaintiff's response in ruling on the Motion.

Respectfully submitted,

/s/ Thomas H. Castelli
Thomas H. Castelli (BPR#24849)
Mandy Strickland Floyd (BPR# 31123)

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Attorneys for Plaintiff

CERTIFICATE OF CONSULTATION

Counsel for Plaintiff, Thomas H. Castelli and Counsel for Defendant, Jennie Silk and Buckner Wellford consulted on this motion via email and by two phone conferences on July 13, 2018. The Parties agree that the Certificate of Consultation in Defendant's Motion for *In Camera* Review accurately captures the conversation of counsel. Upon review of the Court's Order of July 12, 2018 on the Motion, however, the parties agree that the conversation may not have accurately conveyed the scope of the parties' understanding of the Plaintiff's position, which is that while Plaintiff did not object to the Defendant seeking the relief requested of being allowed to file affidavits for *in camera* review, the Plaintiff would then file a substantive response objecting to the propriety of the *in camera* review. The Defendant does not oppose the relief requested herein, which is that the Court permit the Plaintiff to file such a substantive response before ruling on the Motion for *In Camera* Review

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2018, a true and correct copy of the foregoing document and the above-described exhibits has been served via ECF to:

Buckner Wellford, Esq.
R. Mark Glover, Esq.
Jennie Vee Silk, Esq.

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/s/ Thomas H. Castelli

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