

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

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

DEFENDANT'S MOTION TO DISMISS

Defendant, The City of Memphis (the “City”), pursuant to Federal Rules of Civil Procedure 12(b)(1) and Local Rule 12.1, files this Motion to Dismiss the Complaint of Intervening Plaintiff, ACLU of Tennessee..

As set out in Defendant’s Memorandum of Law in Support, Plaintiffs lack standing as required by Article III of the U.S. Constitution to bring a claim to enforce a consent order to which they are nonparties. In addition, to the extent the Court wishes to address the fundamental issue of subject matter jurisdiction before reaching the clear procedural hurdle of standing, the Court should consider dismissing the action on subject matter jurisdiction grounds.

For the aforementioned reasons and for those set forth more thoroughly in the Memorandum of Law, filed contemporaneously, the City of Memphis respectfully requests that the Court grant its Motion to Dismiss and dismiss all claims against the City of Memphis with prejudice.

Respectfully submitted,

s/Buckner Wellford

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2017, the foregoing will be served by this Court's ECF system to:

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**IN THE UNITED STATES DISTRICT COURT
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ACLU of TENNESSEE, INC.,)	
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Intervenor-Plaintiff,)	
v.)	
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THE CITY OF MEMPHIS,)	
)	
Defendant.)	
)	
)	

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT THE CITY OF MEMPHIS'
MOTION TO DISMISS INTERVENING COMPLAINT**

Defendant The City of Memphis (the "City"), by and through its undersigned counsel, pursuant to Federal Rules of Civil Procedure 12(b)(1) and Local Rule 12.1, files this Memorandum of Law in support of the City's Motion to Dismiss the Intervening Complaint of ACLU of Tennessee, Inc. (hereafter "ACLU-TN") in the case of *Blanchard et al v. City of Memphis*, No. 2:17-cv-02120-jpm-DKV (W.D. Tenn. March 1, 2017). ACLU-TN lacks standing as required by Article III of the U.S. Constitution to bring a claim to enforce a 1978 Consent Order to which it was a nonparty. In addition, the 1978 Consent Order referenced by the Intervening plaintiff, entered thirty nine years ago, did not by its terms contemplate being

applicable or enforceable "in perpetuity", so that the Court lacks subject matter jurisdiction of this controversy. The Court should dismiss plaintiffs' Intervening Complaint with prejudice.

BACKGROUND

ACLU-TN intervened in a civil action filed by Plaintiffs Elaine Blanchard, Keedran Franklin, Paul Garner, and Bradley Watkins, to enforce the provisions of the 1978 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 "1978 Consent Decree").

In *Kendrick*, the plaintiffs, Chan Kendrick, Mike Honey, "John Doe", and the entity "American Civil Liberties Union in [sic] West Tennessee, Inc."¹ alleged that they were the subjects of unlawful surveillance by the City's Domestic Intelligence Unit. (*Kendrick* Compl. ¶ 3).

The *Kendrick* plaintiffs sought to enjoin the City from the surveillance, collection, maintenance, storage, and distribution of information about the plaintiffs' constitutionally protected activities, and also sought class action certification, attorneys' fees and damages. (*Kendrick* Compl. ¶ 23).

In September 1978 the City and the plaintiffs, Chan Kendrick, Mike Honey, and the American Civil Liberties Union in West Tennessee, Inc.², agreed upon a settlement memorialized in a Consent Order which "...constitutes a full and final adjudication of all the named plaintiffs' claims for injunctive and affirmative relief as stated in the Complaint. However, it shall have no binding effect upon any claims for damages that ...might in the future be asserted by other individuals." (1978 Consent Order, p. 6). Under a Heading in the Order

¹ The *Kendrick* Complaint designated the acronym "WTCLU" for the Plaintiff, American Civil Liberties Union in West Tennessee, Inc. *See Kendrick* Compl. ¶ 3(c).

² The 1978 Consent Order's terms specifically name each plaintiff as being covered by it with the exception of the "John Doe" plaintiff. The case style for the 1978 Consent Order does not specifically identify the John Doe plaintiff.

titled "Retention of Jurisdiction", the Court stated that it "...will retain jurisdiction of this action, including any issue which might arise regarding payment of attorneys' fees to counsel for plaintiffs, pending disposition of all matters contained in this Decree and for the purpose of issuing any additional order required to effectuate this Decree." (Id.)

The Consent Order explicitly provided "full and final adjudication of all the named plaintiffs' claims for injunctive...relief...", and referenced an intention not to bind future "claims for damages" asserted by "other individuals." The only purpose of retaining jurisdiction expressed by the Court in that Order was to consider assessing attorneys' fees and "...issuing any additional order required to effectuate its provisions." (Id.)

Almost forty years after entry of this Order, ACLU-TN intervened in this lawsuit as a plaintiff, seeking to enforce the 1978 *Kendrick* Consent Order. It claimed that the 1978 *Kendrick* action was pursued "[t]hrough its then active West Tennessee chapter." (ACLU-TN Compl. ¶ 7.) In its Memorandum in Support of ACLU-TN's Motion to Intervene, ACLU-TN explained its purported basis for standing as a plaintiff in this case:

At the time of the original suit, ACLU-TN operated as a confederation of chapters across the state, including the West Tennessee or Memphis Chapter, which was also known as the West Tennessee Civil Liberties Union. (emphasis added). Chapters were chartered under the by-laws of the ACLU-TN. Over the years, the various regional chapters have lapsed in favor of a more centralized organization.

(Mem. in Supp. of ACLU-TN's Mot. to Intervene, Doc. 12-1, p. 3, fn. 1).

As is the case with the original plaintiffs to this action, ACLU-TN appears to allege as its sole basis for federal jurisdiction the retention of jurisdiction by the Court in the *Kendrick* Consent Order. (ACLU-TN Compl. ¶¶ 3-6.)³ The crux of the original *Blanchard* plaintiffs' case

³ The Intervening Complaint vaguely alleges that "[t]his court has jurisdiction to hear cases under federal law...", but specifically asserts jurisdiction only through *Kendrick*. The body of the Complaint repeatedly alleges alleged

is that the City and the Memphis Police Department created a "black list" of eighty-one citizens who "[c]annot come to City Hall without a police escort to wherever they are going in the building." (*Blanchard* Compl. ¶ 17.) ACLU-TN is clearly not included on those lists.

A timeline of the organizational histories of "ACLU of Tennessee, Inc.", "West Tennessee Civil Liberties Union, Inc.", and "Tennessee Civil Liberties Union in West Tennessee, Inc." is illuminating. "West Tennessee Civil Liberties Union, Inc." -- the entity ACLU-TN described as its "West Tennessee or Memphis chapter" -- was the first of the entities to file formation papers with the State of Tennessee, on April 18, 1967, when it registered with the State as a for-profit corporation. (Exhibit A). Eighteen months later, on September 18, 1968, "ACLU of Tennessee, Inc." filed formation papers with the State of Tennessee, and registered as a nonprofit corporation. (Exhibit B).⁴ Fifteen years later, "West Tennessee Civil Liberties Union, Inc." was dissolved as a legal entity on March 17, 1983. (*See* Exhibit A).

A closer examination of the *Kendrick* Complaint results in even more confusion regarding the nature of these organizations. The named plaintiff in the caption of the case is the "American Civil Liberties Union in [sic] West Tennessee, Inc." (*Kendrick* Compl. p. 1). In the

"violations" of the 1978 Consent Order. *See* Complaint, ¶¶ 34-36, 38; *see also*, ¶ 41 ("All of these actions, separately and combined, represent willful and wanton violations of the Decree.")

⁴ Counsel for Defendant, Jennie Silk, downloaded these documents from the State of Tennessee Department of State Division of Business Services website on March 6, 2017 at 1:39 PM, and 1:40 PM, respectively. These documents are admissible as self-authenticating documents under Federal Rules of Evidence 902(5). The rule provides that extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to "Official publications. Books, pamphlets, or other publications purporting to be issued by public authority." This includes printouts from official government websites. "In this internet, tech-savvy age, accessing official records from government websites is commonplace. Publicly maintained records downloaded from a government website would likely be self-authenticating under Fed.R.Evid. 902(5)." *Weingartner Lumber & Supply Co., Inc. v. Kadant Composites, LLC*, No. CIV.A. 08-181-DLB, 2010 WL 996473, at *7 (E.D. Ky. Mar. 16, 2010). The exhibits presented indicate sufficient assurances of authenticity to be considered self-authenticating under Fed. R. of Evid. 902(5). Each document downloaded bears the Tennessee State Seal, the address and phone number of the Department of State Business Division, and the date and time the document was accessed and downloaded.

body of the Complaint; however, it uses the acronym "WTCLU" as an acronym for the plaintiff. (*Kendrick* Compl. ¶ 3(c)).

Counsel for defendant, Jennie Silk, ran the same "business entity" search on the Tennessee State Department website using the captioned name of the plaintiff, "The American Civil Liberties Union in West Tennessee" and the name listed in the body of the Complaint, "The American Civil Liberties Unions of West Tennessee, Inc."⁵, but no records were found for either entity. *See* Affidavit, Exhibit C.

So, either the entity of "The American Civil Liberties Union in West Tennessee" never legally existed, or it was improperly designated in the *Kendrick* Complaint. If it was improperly designated, and the real party in interest was the "West Tennessee Civil Liberties Union" ("WTCLU"), this entity no longer exists.

Assuming, as the ACLU-TN suggests in its Intervention Memorandum, the proper party in *Kendrick* was the WTCLU, there is no indication in any of the documents filed with the Secretary of State that ACLU-TN, a nonprofit corporation, is somehow the same or even the successor entity for the WTCLU. The fact is that WTCLU and ACLU-TN were two separate, distinct legal entities at the time of the *Kendrick* action in 1976, and they remained separate entities until the WTCLU was ultimately dissolved in 1983.

To the extent that the 1978 *Kendrick* Consent Order remains applicable or enforceable today, ACLU-TN does not appear to be included in the group of individuals or entities which can seek to enforce it. Only the original plaintiffs named in the *Kendrick* Consent Order, or the City itself, have standing to assert legal remedies arising from the 1978 Consent Order.

⁵ Defendant assumes *arguendo* that "The American Civil Liberties Union in West Tennessee" and "The American Civil Liberties Union of West Tennessee" were the same entity.

United States Supreme Court and Sixth Circuit law clearly establish that a nonparty to a Consent Order lacks standing to enforce its provisions, even if (which is not necessarily the case here) the plaintiffs attempting to enforce the Order are "intended beneficiaries" of its provisions.

The standing issue is enough to resolve this Motion. It should be noted, however, as the defendant noted in the Memorandum in Support of Motion to Dismiss the *Blanchard* plaintiffs' Complaint (Doc. 9), that a serious question regarding the Court's subject matter jurisdiction also exists. The Consent Order itself did not purport to retain jurisdiction for any purpose other than addressing the immediate issues of attorneys' fees and taking action to implement it. Noting in the Order indefinitely makes this Court the manager of local law enforcement activities. Specifically, the Order does not purport to retain this kind of extraordinary judicial oversight into the political process "in perpetuity."

LAW AND ARGUMENT

I. The Standard of Review Requires the Plaintiff to Prove it has Standing

"Article III of the Constitution limits the jurisdiction of federal courts to 'Cases' and 'Controversies,'" and "[t]he doctrine of standing gives meaning to these constitutional limits by 'identify[ing] those disputes which are appropriately resolved through the judicial process.'" *Susan B. Anthony List v. Driehaus*, 134 S. Ct. 2334, 2341 (2014) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992)). The Supreme Court recently explained that "the 'irreducible constitutional minimum' of standing consists of three elements." *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016) (quoting *Lujan*, 504 U.S. at 560). A plaintiff "must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of a defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Id.*

The plaintiff “bears the burden of showing that he has standing,” *Summers v. Earth Island Institute*, 555 U.S. 488, 493 (2009), and “[e]ach element of standing ‘must be supported in the same way as any other matter on which the plaintiff bears the burden of proof, *i.e.*, with the manner and degree of evidence required at the successive stages of the litigation.’” *Fair Elections Ohio v. Husted*, 770 F.3d 456, 459 (6th Cir. 2014) (quoting *Lujan*, 504 U.S. at 561). “Where, as here, a case is at the pleading stage, the plaintiff must ‘clearly ... allege facts demonstrating’ each element.” *Spokeo*, 136 S. Ct. at 1547 (quoting *Warth v. Seldin*, 422 U.S. 490, 518 (1975)). The court “must accept as true all material allegations of the complaint, and must construe the complaint in favor of the complaining party.” *Parsons v. U.S. Dep't of Justice*, 801 F.3d 701, 710 (6th Cir. 2015) (quoting *Warth*, 422 U.S. at 501).

However, “[s]ince they are not mere pleading requirements but rather an indispensable part of the plaintiff’s case, each element [of standing] must be supported in the same way as any other matter on which the plaintiff bears the burden of proof, *i.e.*, with the manner and degree of evidence required at the successive stages of the litigation.” *Lujan*, 504 U.S. at 561. “The party invoking federal jurisdiction bears the burden of establishing standing by submitting affidavits or other evidence. When challenged by a court (or by an opposing party) concerned about standing, the party invoking the court’s jurisdiction cannot simply allege a nonobvious harm, without more.” *Wittman v. Personhuballah*, 136 S. Ct. 1732, 1737 (2016) (quoting *Lujan*, 504 U.S. at 561).

When considering a Rule 12(b)(1) motion to dismiss, the Court need not confine its evaluation to the face of the pleadings, but may review or accept any evidence, such as affidavits, or it may hold an evidentiary hearing. “[I]t is within the trial court’s power to allow or to require the plaintiff to supply, by amendment to the complaint or by affidavits, further

particularized allegations of fact deemed supportive of plaintiff's standing. If, after this opportunity, the plaintiff's standing does not adequately appear from all materials of record, the complaint must be dismissed." *Warth*, 422 U.S. at 501–02.

ACLU-TN admitted in a pleading filed in this case that the entity obtaining relief in the *Kendrick* action was "West Tennessee Civil Liberties Union." See Mem. in Supp. of ACLU-TN's Mot. to Intervene, Doc. 12-1, p. 3, fn 1. This is a judicial admission that "eliminate[s] any need to produce evidence on the subject matter of the admission because the admitted fact is no longer at issue." *Trimas Corp. v. Meyers*, 572 Fed. Appx. 347, 352 (6th Cir. 2014). See also *Ferguson v. Neighborhood Hous. Servs. of Cleveland, Inc.*, 780 F.2d 549, 551 (6th Cir. 1986) (explaining that facts admitted by a party in a pleading are no longer at issue); *Brown v. Tennessee Gas Pipeline Co.*, 623 F.2d 450, 454 (6th Cir. 1980) ("Under federal law, stipulations and admissions in the pleadings are generally binding on the parties and the Court.")

The admission, coupled with the separate charters and nature of the two entities (one a for-profit and one a non-profit entity) establishes that ACLU-TN is attempting to enforce a Consent Order as to which it was neither a party nor successor entity.

II. ACLU-TN, as a Nonparty to the 1978 Consent Order, Suffered No Injury in Fact.

In order to examine whether a plaintiff has standing to enforce a Consent Order, courts borrow the reasoning underlying contract law. A Consent Order "is a contract founded on the agreement of the parties." *Long v. City of Saginaw*, 911 F.2d 1192, 1201 n. 5 (6th Cir.1990)(emphasis added); *Vanguards of Cleveland v. City of Cleveland*, 753 F.2d 479, 484 (6th Cir.1985); *Williams v. Vukovich*, 720 F.2d 909, 920 (6th Cir.1983). A Consent Order "should be construed to preserve the position for which the parties bargained." *Vogel v. City of Cincinnati*, 959 F.2d 594, 598 (6th Cir. 1992)(emphasis added).

Because a Consent Order is the result of the parties to the lawsuit coming to a compromise, "[t]he decree itself cannot be said to have a purpose; rather the parties have purposes, generally opposed to each other, and the resultant decree embodies as much of those opposing purposes as the respective parties have the bargaining power to achieve." *United States v. Armour & Co.*, 402 U.S. 673, 681–82 (1971).

Thus, a Consent Order "[i]s not enforceable directly or in collateral proceedings by those who are not parties to it even though they were intended to be benefited by it." *Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723, 750 (1975). *See also United States v. Armour & Co.*, 402 U.S. 673 (1971); and *Buckeye Coal & R. Co. v. Hocking Valley Co.*, 269 U.S. 42 (1925).

The Sixth Circuit has confirmed its interpretation of *Blue Chip Stamps* that even *intended* third-party beneficiaries of a Consent Order lack standing to enforce its terms. *Aiken v. City of Memphis*, 37 F.3d 1155 (6th Cir. 1994). In *Aiken*, several white police officers and white firefighters sued the city for reverse discrimination. *Id.* The *Aiken* plaintiffs alleged they were denied promotions to sergeant despite having scored higher on certain tests given applicants than most of the minority candidates who were promoted instead. In bringing their action, the plaintiffs sought to argue that a series of Consent Orders the City entered into with the United States Justice Department to remedy the City's past practices of hiring and gender discrimination were not being applied as written. *Id.* at 1159.

This Court initially held that the *Aiken* plaintiffs lacked standing to enforce the Consent Orders because they were nonparties to the original actions giving rise to the orders. *Aiken v. City of Memphis*, No. 90-2069HA, 1992 WL 549132, at *4 (W.D. Tenn. June 30, 1992), *vacated on other grounds*, 37 F.3d 1155, 1994 WL 540738 (6th Cir. 1994). The Sixth Circuit affirmed the Court's reasoning on this issue and clarified that "[t]he plain language of *Blue Chip Stamps*

indicates that even *intended* third-party beneficiaries of a Consent Order lack standing to enforce its terms." *Aiken*, 37 F.3d at 1168. *See also S.E.C. v. Dollar Gen. Corp.*, 378 Fed. Appx. 511, 516, (6th Cir. 2010) ("Supreme Court and Sixth Circuit precedent are clear that nonparties to a consent order or, analogously, an agreed or consent judgment entered by the Court incorporating a settlement agreement or a Consent Order, do not have standing to enforce a judgment."); *Sanders v. Republic Servs. of Kentucky, LLC*, 113 Fed. Appx. 648, 650 (6th Cir. 2004)(a nonparty lacks standing to enforce a Consent Order even though that person was "within the zone of interests protected by the judgment.").

In the case at bar, ACLU-TN's only clearly stated basis for federal court jurisdiction in its suit against the City is that it was an original party that brought suit against the City in the *Kendrick* action. The ACLU's own admission and the facts reflected in this Motion demonstrate that ACLU-TN does not appear to have been in any way a party in the original lawsuit, and therefore, lacks standing to enforce the provisions of the *Kendrick* Order.

III. ACLU of Tennessee lacks Standing to Enforce the *Kendrick* Consent Order Because it Was Not an Original Party to the *Kendrick* Consent Order.

"The standing inquiry requires careful judicial examination of a complaint's allegations to ascertain whether the *particular plaintiff* is entitled to an adjudication of the *particular claims* asserted." *Allen v. Wright*, 468 U.S. 737, 752 (1984) (emphasis added).

Injury is "the '[f]irst and foremost' of standing's three elements." *Spokeo*, 136 S. Ct. at 1547 (quoting *Steel Co. v. Citizens for Better Env't*, 523 U.S. 83, 103 (1998)). "To establish injury in fact, a plaintiff must show that he or she suffered 'an invasion of a legally protected interest' that is 'concrete and particularized' and 'actual or imminent, not conjectural or

hypothetical.” *Id.* at 1548 (quoting *Lujan*, 504 U.S. at 560). *See also Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 149 (2010).

ACLU-TN asserts that ACLU-TN was the entity that brought suit in *Kendrick* in 1976 "through its then active West Tennessee chapter." (Mem. in Supp. of ACLU-TN's Mot. to Intervene, ECF No. 12-1, p. 3). ACLU-TN further alleges that at the time of the *Kendrick* suit, that plaintiff, the "West Tennessee Civil Liberties Union," was a chapter of the ACLU-TN, "chartered under its bylaws." It then alleges that the "various regional chapters have lapsed in favor of a more centralized location." (Mem. in Supp. of ACLU-TN's Mot. to Intervene, ECF No. 12-1, p. 3, fn 1.). The acknowledgment in the Memorandum supporting Intervention regarding the actual identify of the legal entity pursuing relief in *Kendrick* raises questions as to that assertion, but at best, this appears to describe a sort of parent-subsidary relationship.

Even if ACLU-TN was the parent corporation to the WTCLU, a parent corporation does not have standing to sue for a wrong suffered by its subsidiary. In *MSS, Inc. v. Maser Corporation*, No. 3:09-CV-00601, 2011 WL 2938424, at *2 (M.D. Tenn. July 18, 2011), MSS sued the defendant, Maser Corp. for breach of contract. Maser Corp. then asserted a counterclaim on behalf of its wholly owned subsidiary, Maser Canada, asserting Maser Canada's lost profits as a result of the dispute. *Id.* The district court found that Maser Corp. did not have standing to assert a counterclaim on behalf of injuries sustained by its subsidiary, based solely on its relationship as the parent to the subsidiary. "This Court cannot conclude, as Defendant suggests, that Tennessee courts would extend the reasoning in *Waste Conversion Systems* to confer the right for a parent corporation to bring suit for the same injuries which its wholly-owned subsidiary allegedly suffered." *Id.* at *5.

In sum, the WTCLU was a for profit corporation formed some eighteen months before ACLU-TN. The two corporations existed as separate entities in 1976, at the time the *Kendrick* action commenced, and in 1978 when the Consent Order was entered. Whether ACLU-TN could or should have intervened as a plaintiff in the 1976 *Kendrick* action is pure conjecture and completely beside the point. ACLU-TN cannot now claim it was a party to the *Kendrick* action simply because the WTCLU no longer exists. The fact remains that ACLU-TN did not intervene nor bring suit in the *Kendrick* action, and it lacks standing to enforce the 1978 Consent Order.

III. The Consent Order Was a Final Adjudication of the Matters Before the Kendrick Court, Except for Immediate Issues Necessary to Provide Relief to the Parties and Implement its Provisions.

For the reasons stated in the Memorandum in Support of Defendant's Motion to Dismiss, a serious issue still exists as to whether the Court has, or should have, subject matter jurisdiction to measure the City's current law enforcement activities against a long dormant, thirty nine year old Consent Order. We incorporate fully the argument in the Memorandum of Law in Support of Defendants' Motion to Dismiss, Section III. *See* Mem. of Law in Supp. of Def.'s Mot. to Dismiss, Doc. No. 9.

CONCLUSION

Because ACLU-TN was not a party to the *Kendrick* Consent Order, it lacks standing to seek enforcement of that Consent Order. ACLU-TN's Intervening Complaint should be dismissed in its entirety. In the alternative, the Court should dismiss the action on subject matter jurisdiction grounds.

Respectfully submitted,

s/Buckner Wellford

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2017, the foregoing will be served by this Court's ECF system to:

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Tre Hargett
Secretary of State

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State of Tennessee
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Nashville, TN 37243-1102

Filing Information

Name: **WEST TENNESSEE CIVIL LIBERTIES UNION, INC.**

General Information

SOS Control #	000087192	Formation Locale: TENNESSEE
Filing Type:	For-profit Corporation - Domestic	Date Formed: 04/18/1967
	04/18/1967 4:30 PM	Fiscal Year Close 4
Status:	Inactive - Revoked (Revenue)	
Duration Term:	Perpetual	

Registered Agent Address

NO AGENT
AGENT RESIGNED OR INVALID
NASHVILLE, TN 37219

Principal Address

MEMPHIS, TN 00000

The following document(s) was/were filed in this office on the date(s) indicated below:

<u>Date Filed</u>	<u>Filing Description</u>	<u>Image #</u>
03/17/1983	Dissolution/Revocation - Revenue	ROLL 0373
04/18/1967	Initial Filing	B026P2519

Active Assumed Names (if any)

<u>Date</u>	<u>Expires</u>
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Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

Filing Information

Name: **ACLU OF TENNESSEE, INC.**

General Information

SOS Control #	000049900	Formation Locale: TENNESSEE
Filing Type:	Nonprofit Corporation - Domestic	Date Formed: 09/18/1968
	09/18/1968 4:30 PM	Fiscal Year Close 3
Status:	Active	
Duration Term:	Perpetual	
Public/Mutual Benefit:	Public	

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The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
06/29/2016	2016 Annual Report	B0271-4683
05/15/2015	2015 Annual Report	B0099-6542
07/01/2014	2014 Annual Report	7358-0987
06/24/2013	2013 Annual Report	7215-2584
06/18/2012	2012 Annual Report	7063-2941
Principal Address 1 Changed From: 210 25TH AVE NORTH To: 210 25TH AVE N		
Principal Address 2 Changed From: SUITE 1000 To: STE 1000		
Principal Postal Code Changed From: 37203 To: 37203-1645		
06/29/2011	2011 Annual Report	6911-0983
06/16/2010	2010 Annual Report	6731-2599
Principal Address 1 Changed From: 121 21ST AVE. NORTH To: 210 25th Ave North		
Principal Address 2 Changed From: ROOM 402 To: Suite 1000		
Registered Agent Physical Address 1 Changed From: 121 21ST AVE N To: 210 25th Ave North		
Registered Agent Physical Address 2 Changed From: RM 402 To: Suite 1000		
07/02/2009	2009 Annual Report	6562-1891
07/03/2008	2008 Annual Report	6340-1946

Filing Information

Name: **ACLU OF TENNESSEE, INC.**

06/26/2007	2007 Annual Report	6080-0915
07/07/2006	2006 Annual Report	5822-2419
07/01/2005	2005 Annual Report	5497-0552
03/30/2004	2003 Annual Report	5090-2987
	Principal Address Changed	
	Registered Agent Physical Address Changed	
	Fiscal Year Close Changed	
04/02/2003	2002 Annual Report	4778-2260
04/04/2002	2001 Annual Report	4470-1590
04/16/2001	2000 Annual Report	4165-1607
06/05/2000	2000 Annual Report	3922-0708
	Fiscal Year Close Changed	
04/01/1999	CMS Annual Report Update	3661-2519
	Fiscal Year Close Changed	
06/16/1998	CMS Annual Report Update	3521-2215
	Principal Address Changed	
	Registered Agent Physical Address Changed	
	Registered Agent Changed	
	Fiscal Year Close Changed	
06/16/1998	Application for Reinstatement	3521-2218
05/13/1998	Revocation Cleared by Revenue	3506-1378A
03/17/1983	Dissolution/Revocation - Revenue	ROLL 0370
09/18/1968	Initial Filing	B027P1638

Active Assumed Names (if any)

Date Expires

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

ELAINE BLANCHARD, KEEDRAN)	
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Plaintiffs,)	No. 2:17-cv-02120-jpm-DKV
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Defendant.)	
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)	

AFFIDAVIT OF JENNIE VEE SILK

STATE OF TENNESSEE

COUNTY OF SHELBY

SWORN AFFIDAVIT OF JENNIE VEE SILK

1. My name is Jennie Vee Silk. I am an adult resident citizen of Shelby County, Tennessee. I am over the age of 21, and I am competent to testify in this matter.

2. The facts in this affidavit are based on my personal knowledge and are true and correct to the best of my knowledge, information, and belief.

3. I am an attorney with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC.

4. I conducted an internet search on March 6, 2017, using the search engine on the Tennessee Department of State website, Business Services Online page.

5. The web address of that page is <https://tnbear.tn.gov/Ecommerce/FilingSearch.aspx>.

6. I entered the term "American Civil Liberties Union in West Tennessee, Inc." in the aforementioned search engine, but the search engine found no record of the entity in its database.

7. I entered the term "American Civil Liberties Union of West Tennessee, Inc." in the aforementioned search engine, but the search engine found no record of the entity in its database.


8. I entered the term "West Tennessee Civil Liberties Union, Inc." in the aforementioned search engine, and the search engine produced a listing under Control #: 000087192:For Profit Corporation Domestic, Name: WEST TENNESSEE CIVIL LIBERTIES UNION, INC.

9. I entered the term "ACLU of Tennessee" in the aforementioned search engine, and the search engine produced a listing under Control #: 000049900:Nonprofit Corporation Domestic, Name: ACLU OF TENNESSEE, INC.

FURTHER AFFIANT SAITH NOT.


JENNIE VEE SILK

SUBSCRIBED AND SWORN TO
before me on this the 8th day of
March, 2017.


Notary Public

My Commission Expires:

August 12, 2017

