

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

---

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

---

**DEFENDANT’S NOTICE REGARDING QUARTERLY SUBMISSION OF SEARCH  
TERMS AS HIGHLY SENSITIVE DOCUMENTS**

---

**I. Background**

Pursuant to the Court’s October 27, 2018 Opinion and Order the Court imposed certain sanctions on the Defendant, the City of Memphis (“the City”) and ordered compliance by a date certain. (ECF No. 151.)

Under the Order, the Court required, in part, that:

5) The City shall maintain a list of all search terms entered into social media collators or otherwise used by MPD officers collecting information on social media while on duty. This list shall be filed under seal every three months until the Court orders otherwise. The first filing shall be submitted no later than January 14, 2019 and shall reflect all such social media searches conducted from November 1, 2018 through December 31, 2018.

(ECF No. 151, PageID 6275.)

Pursuant to that Sanction, the City has submitted thirteen sets of social search terms used by MPD. (*See* ECF Nos. 183, 199, 214, 239, 275, 308, 353, 383, 395, 401, 404, 411, & 415.)

On January 22, 2021, the Court entered Administrative Order No. 2021-03,<sup>1</sup> which instructed litigants seeking designation of a particular document as “highly sensitive documents”

---

<sup>1</sup> On February 3, 2021, the Court vacated Administrative Order No. 2021-03 and replaced it with Administrative Order No. 2021-05.

(“HSDs”) to file a motion seeking such designation and to submit a proposed order.

In response to Administrative Order No. 2021-03, on January 28, 2021, the City filed an unopposed Motion to Have Its Quarterly Search Term Submissions Treated as HSDs and Removed from the CM/ECF System. (ECF No. 393.) On April 20, 2021, the Court granted the City’s Motion to Have its Search Term Submissions Treated as HSDs. (ECF No. 400.)

## **II. This Quarter’s Search Term Submission**

Accordingly, the City hereby files this Notice Regarding this Quarter’s Submission of Search Terms as HSDs. Pursuant to Administrative Order No. 2021-05, the City will deliver two paper copies of the search terms to the Clerk’s Office in sealed envelopes marked “HIGHLY SENSITIVE DOCUMENT.” A copy of the HSD’s caption page will be affixed to the outside of each envelope. Each envelope will contain the following: the certificate of service, a copy of the Court’s Order ECF No. 400, and the search terms. The search terms collected from the majority of MPD officers were compiled as Exhibit A.

Due to the heightened sensitivity of investigations conducted by certain investigative units within MPD, those units’ search terms were collected in a non-electronic manner, and are compiled and submitted as Exhibit B. The officers in those units printed their search terms and hand-delivered them to their supervisors. The City redacted any information on the printouts that could identify the officers, including names and avatars.

This Quarter’s Search Term Submission contains the additional information requested by the Court-appointed Monitor, which is a listing of the social media platform in which each search term was used.

Respectfully Submitted,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

*s/ Bruce McMullen*

---

R. Mark Glover (#6807)

Bruce McMullen (#18126)

Mary Wu Tullis (#31339)

Jennie Vee Silk (#35319)

165 Madison Avenue, Suite 2000

Memphis, Tennessee 38103

Telephone (901) 526-2000

E-mail: [bcmullen@bakerdonelson.com](mailto:bcmullen@bakerdonelson.com)

[mglover@bakerdonelson.com](mailto:mglover@bakerdonelson.com)

[mtullis@bakerdonelson.com](mailto:mtullis@bakerdonelson.com)

[jsilk@bakerdonelson.com](mailto:jsilk@bakerdonelson.com)

*Attorneys for Defendant, The City of  
Memphis*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 13, 2022, the foregoing document will be served by the Court's ECF system to all counsel of record.

I further hereby certify that on April 14, 2022, the documents referenced as Exhibits A and B will be filed under seal as HSDs and served on encrypted hard drive via overnight delivery service to:

Stella Yarbrough  
ACLU Tennessee, Inc.  
P.O. Box 120160  
Nashville, TN 37212  
syarbrough@aclu-tn.org

*Attorney for Intervening Plaintiff*

Ed Stanton  
Butler Snow  
6075 Poplar Avenue  
Suite 500  
Memphis, TN 38119

*Independent Monitor*

*/s Bruce McMullen*

---