

**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 STANDING**

Defendant, the City of Memphis ("the City"), by and through counsel, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, hereby moves this Court for summary judgment on the issue of Intervening Plaintiff's lack of standing. The Intervening Plaintiff, American Civil Liberties Union of Tennessee, Inc. (hereafter "ACLU-TN") lacks standing as required by Article III of the U.S. Constitution to bring a claim to enforce a 1978 Consent Decree to which it was not a party.

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

1. The facts material to the issue of ACLU-TN's standing are undisputed, and these facts demonstrate that the City is entitled to judgment as a matter of law;
2. ACLU-TN has not and cannot present proof sufficient to establish that it has standing;
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"); and

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.

5. In a conversation between Counsel for the Parties on June 18, 2018, the Intervening Plaintiff agreed to waive any confidentiality designations it previously made to any of its documents produced in discovery for purposes of this Motion.

WHEREFORE, the City respectfully requests that this Court dismiss ACLU-TN's Intervening Complaint, and all claims embraced therein, with prejudice, and for all other proper relief.

Respectfully submitted,

/s/ Jennie Silk

Buckner Wellford (#TN 9687)
R. Mark Glover (#TN 6807)
Jennie Vee Silk (#TN 35319)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Telephone: 901.577.2152
Fax: 901.577.0786
Email: bwellford@bakerdonelson.com
mglover@bakerdonelson.com
jsilk@bakerdonelson.com

Attorneys for Defendant, The City of Memphis

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:

Thomas H. Castelli
Mandy Floyd
ACLU Foundation of Tennessee
P.O. Box 120160
Nashville, Tennessee 37212

/s/ Jennie Silk