

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

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THE ESTATE OF JOCQUES SCOTT §  
CLEMMONS, deceased, by §  
Administratrix SHEILA CLEMMONS §  
LEE, §  
§  
*Plaintiff,* §

v. §

Case No.: \_\_\_\_\_

THE METROPOLITAN §  
GOVERNMENT OF NASHVILLE AND §  
DAVIDSON COUNTY, §  
§  
and §  
§  
DANNY SATTERFIELD, §  
§  
*Defendants.* §

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**COMPLAINT**

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**I. INTRODUCTION**

1. On February 10, 2017, Mr. Jocques Scott Clemmons was fatally shot in the back by Metropolitan Nashville Police Department (MNPD) Officer Joshua Lippert following a traffic stop.

2. Initial statements released by the MNPD asserted that Mr. Clemmons assaulted Officer Lippert before Mr. Clemmons was shot and killed. In a widely reported video released to the public on February 14, 2017, however, surveillance footage revealed that, in fact, no physical altercation had occurred.<sup>1</sup>

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<sup>1</sup> See, e.g., J.R. Lind, *Fatal Nashville Police Shooting: New Video Released: A newly-discovered piece of surveillance footage shows there was no physical altercation between Officer Josh Lippert and Jocques*

3. After Mr. Clemmons' death, and after the aforementioned video footage revealed that there had been no physical altercation between Mr. Clemmons and Officer Lippert, Defendant Danny Satterfield was "assigned to investigate" Mr. Clemmons for his supposed "aggravated assault against Metro Police Officer Joshua Lippert." Mr. Clemmons already being deceased, however, the Defendants could not arrest Mr. Clemmons, and they never had any intention of arresting him for any crime at all. The Defendants certainly did not intend to arrest Mr. Clemmons after his death for an "aggravated assault" that the Defendants knew by then had not occurred.

4. In support of Defendant Satterfield's "investigat[ion]" into Mr. Clemmons' supposed "Aggravated Assault against Metro Police Officer Joshua Lippert," between February 15, 2017 and February 17, 2017, Defendant Satterfield applied for three search warrants that sought "**any/all data contained and/or stored within**" Mr. Clemmons' Instagram account, Facebook account, and cellular telephone. See **Exhibit A** (social media and cellular telephone search warrants and warrant applications).

5. According to Defendant Satterfield's sworn search warrant applications, the Defendants had probable cause to believe that Mr. Clemmons' Instagram account, Facebook account, and cellular telephone contained "certain evidence" regarding the decedent's supposed aggravated assault of Officer Lippert. Defendant Satterfield's affidavits specifically sought—without any time or content limitation whatsoever—Mr. Clemmons' "pictures, videos, audio, text messages, incoming/outgoing Facebook Messenger [sic] conversations, voicemails, chat logs, contact information, call logs, emails, internet data, Wi-Fi data, IP address(es), search history, maps, locations, GPS

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*Clemmons*, PATCH (Feb. 14, 2017), <https://patch.com/tennessee/nashville/fatal-nashville-police-shooting-new-video-released> (referencing the "phantom first altercation" initially reported by the MNPd).

data, drafts, deleted files/folders, etc.” *See id.* Defendant Satterfield also sought nearly identical information from the decedent’s Instagram account and cellular phone. *Id.*

6. The affidavits that Defendant Satterfield filed in support of his three search warrant applications failed even to allege a nexus—no matter how remote—between the items to be searched and the alleged crime that was supposedly being investigated.

7. Based on his sworn affidavits, however, Defendant Satterfield obtained three search warrants for “any/all data contained and/or stored within” Mr. Clemmons’ Instagram account, Facebook account, and cellular phone as requested. The search warrants were approved between February 17, 2017 and March 3, 2017 by General Sessions Judges Melissa Blackburn and Gale Robinson, respectively.

8. On or about March 19, 2017, the MNPD acknowledged in a public statement that—contrary to the sworn allegations set forth in Defendant Satterfield’s affidavits—it was actually “unknown [to Defendants] whether social media posts or cellphone information might provide some insight” at all.<sup>2</sup>

9. Nearly a year later, Mr. Clemmons’ cell phone still remains in the Defendants’ possession. Mr. Clemmons’ cell phone also contains—among other things—cherished family photos that his family wants returned. Mr. Clemmons’ cell phone has been claimed as property owned by Mr. Clemmons’ estate.

10. Further, the Plaintiff continues to harbor significant concerns about the actual motivations underlying Defendants’ claimed need for “any/all data contained

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<sup>2</sup> Stacey Barchenger, *Nashville police to search Jocques Clemmons’ social media*, THE TENNESSEAN (Mar. 19, 2017), <https://www.tennessean.com/story/news/crime/2017/03/19/nashville-police-search-jocques-clemmons-social-media/98903932/> (“Some have asked why we think Mr. Clemmons made certain decisions during the encounter with Officer Lippert,” police spokesman Don Aaron said. **“It is unknown whether social media posts or cellphone information might provide some insight.”**) (emphasis added).

and/or stored within” Mr. Clemmons’ Instagram account, Facebook account, and cellular phone. Given the context surrounding the challenged search warrants; given the warrants’ extraordinary and unqualified breadth; given the absence of even an alleged nexus between the items sought by the warrants and the crime to be investigated; given the MNPDP’s subsequent admission that it was actually “unknown” whether Mr. Clemmons’ Instagram account, Facebook account, or cell phone contained evidence relevant to the crime being investigated; and given the fact that Mr. Clemmons was already deceased at the time that Defendant Satterfield applied for the warrants at issue, the Plaintiff has serious doubts that the Defendants were actually interested in searching Mr. Clemmons’ Instagram account, Facebook account, and cell phone for the stated purpose of investigating an aggravated assault that did not take place and for which the Defendants never had any intention of making an arrest.

11. Accordingly, the Plaintiff files this action to compel the Defendants to return the property that the Defendants seized based on Defendant Satterfield’s facially deficient search warrants, which the Plaintiff avers: (1) were not supported by probable cause; (2) failed to establish any nexus between the items to be searched and the crime being investigated; (3) were unconstitutionally overbroad; (4) were obtained on the basis of sworn statements that were both false and known to be false when made; (5) were granted by judges who wholly abandoned their judicial role and failed to act in a neutral and detached fashion, serving merely as a rubber stamp for the police; (6) were so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; (7) were neither sought nor relied upon in good faith; and (8) were so glaringly deficient that any reasonable police officer would have known they were constitutionally fatal.

## **II. PARTIES**

12. The Plaintiff is Sheila Clemmons Lee, as Administratrix of the Estate of Jocques Scott Clemmons, deceased, whose social media accounts and cellular telephone were searched and seized by the Defendants as a result of the defective search warrants sought and obtained by the Defendants between February and March of 2017.

13. Defendant Danny Satterfield is an employee of the Defendant Metropolitan Government of Nashville and Davidson County and the official who sought and obtained the defective search warrants that are the subject of this action. He is sued in his official capacity.

14. Defendant Metropolitan Government of Nashville and Davidson County is Defendant Satterfield's employer, the governmental entity responsible for the Metropolitan Nashville Police Department, and the real party in interest to this lawsuit. *See generally Mathes v. Metro. Gov't of Nashville & Davidson Cty.*, No. 3:10-CV-0496, 2010 WL 3341889, at \*2 (M.D. Tenn. Aug. 25, 2010) (collecting cases). The property that the Plaintiff seeks to have returned is presently held by Defendant Metropolitan Government of Nashville and Davidson County in the care of Defendant Satterfield.

## **III. JURISDICTION, AUTHORITY, AND VENUE**

15. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331; 28 U.S.C. § 1367; Fed. R. Crim. P. 41(g); Tenn. Code Ann. § 29-30-101; Tenn. Code Ann. § 29-14-102; Tenn. Code Ann. § 20-5-101; and Tenn. Code Ann. § 20-5-102.

16. This Court is vested with the authority to return the property that is the subject of this action pursuant to Fed. R. Crim. P. 41(g) and Tenn. Code Ann. § 29-30-101,

and it is empowered to issue a declaratory judgment with the force and effect of a final decree pursuant to 28 U.S.C. § 2201 and 42 U.S.C. § 1983.

17. As the district wherein the Plaintiff's property was searched and seized, venue is proper in the Middle District of Tennessee pursuant to Fed. R. Crim. P. 41(g).

18. As the jurisdiction where the Defendants reside and where the causes of action giving rise to Plaintiff's Complaint have occurred, venue is proper in the Middle District of Tennessee pursuant to 28 U.S.C. § 1391(b)(1) and 28 U.S.C. § 1391(b)(2).

#### **IV. FACTUAL ALLEGATIONS**

19. On February 10, 2017, Jocques Scott Clemmons was fatally shot in the back by MNPD Officer Joshua Lippert following a traffic stop. He died from his injuries the same day.

20. On February 15, 2017, MNPD Detective Danny Satterfield filed a sworn affidavit attesting that he had been "assigned to investigate" Mr. Clemmons—who was by then deceased—for "the aggravated assault against Metro Police Officer Joshua Lippert." Mr. Clemmons having been killed several days earlier, however, neither Defendant Satterfield nor any other member of the Metropolitan Nashville Police Department ever had any intention of arresting Mr. Clemmons for any crime.

21. In support of his "investigat[ion]" into the decedent, Defendant Satterfield swore under oath that there was probable cause to believe that, *without regard to any time or content limitation whatsoever*, "**any/all data contained and/or stored within**" Mr. Clemmons' Instagram account, Facebook account, and cell phone contained evidence of Mr. Clemmons' supposed aggravated assault against Officer Lippert. See **Exhibit A**. Accordingly, between February 15, 2017 and February 17, 2017, Defendant

Satterfield sought and subsequently obtained three search warrants for Mr. Clemmons' Instagram account, Facebook account, and cellular phone. *Id.*

22. In his search warrant applications, Defendant Satterfield specifically sought the decedent's "pictures, videos, audio, text messages, incoming/outgoing Facebook Messenger [sic] conversations, voicemails, chat logs, contact information, call logs, emails, internet data, Wi-Fi data, IP address(es), search history, maps, locations, GPS data, drafts, deleted files/folders, etc." *Id.* Defendant Satterfield also sought virtually identical information from the decedent's Instagram account and cellular phone. *Id.*

23. When Defendant Satterfield filed his search warrant applications, the Defendants had no intention of arresting Mr. Clemmons for any crime.

24. When Defendant Satterfield filed his search warrant applications, he knew or should have known that there had been no physical confrontation between Mr. Clemmons and Officer Lippert.

25. When Defendant Satterfield filed his search warrant applications, the Defendants' collective knowledge reflected that whether Mr. Clemmons' Instagram account, Facebook account, and cellular phone contained any evidence that was relevant to Mr. Clemmons' supposed aggravated assault against Officer Lippert was, at best, "unknown."

26. The sworn "Statement of Facts in Support of Probable Cause" that Defendant Satterfield provided to support all three search warrant applications did not establish any nexus between the contents of Mr. Clemmons' Instagram account, Facebook account, and cell phone and the supposed aggravated assault that took place on February 10, 2017.

27. In the sworn affidavits that Defendant Satterfield filed to support his search

warrant applications, no connection between Mr. Clemmons's social media accounts and the supposed aggravated assault that Defendant Satterfield claimed to be investigating—no matter how remote, attenuated, or implausible—was even *alleged*.

28. Even so, all three search warrants were approved by General Sessions Judges Melissa Blackburn and Gale Robinson between February and March of 2017.

29. Consequently, Mr. Clemmons' cellular phone was seized and searched by Defendant Satterfield, and it currently remains in the Defendants' possession. It is presently unknown to Plaintiff what, if any, data the Defendants obtained or retained from Mr. Clemmons' social media accounts.

30. Defendant Satterfield's affidavits each asserted that there was probable cause to believe that Mr. Clemmons' Instagram account, Facebook account, and cell phone contained "certain evidence of a crime, to wit violations of state law(s) as set forth in TCA Section(s) **39-13-201 [sic] Aggravated Assault**,"<sup>3</sup> and that the evidence to be searched was, without limitation, "**any/all data contained and/or stored**" on Mr. Clemmons' social media accounts and cell phone. See Exhibit A. All three affidavits were separately sworn under penalty of perjury.

31. Defendant Satterfield's affidavits in support of his requested search warrants failed to supply the requisite probable cause to believe that "any/all data contained and/or stored within" Mr. Clemmons' Instagram account, Facebook account, and cellular phone contained evidence of the supposed crime to be investigated.

32. When Defendant Satterfield applied for the search warrants at issue, the Defendants did not, in fact, have probable cause to believe that "any/all data contained

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<sup>3</sup> Tenn. Code Ann. § 39-13-201 is Tennessee's Criminal Homicide statute. Defendant Satterfield apparently meant to cite Tennessee's Aggravated Assault statute, which is codified at Tenn. Code Ann. § 39-13-102.



and/or stored within” Mr. Clemmons’ Instagram account, Facebook account, and cell phone contained evidence of an aggravated assault against Officer Lippert.

33. On or about March 19, 2017, after all three warrants had issued, the Metropolitan Nashville Police Department released a statement acknowledging that it was actually “unknown” whether Mr. Clemmons’ social media posts or cellphone might contain any relevant evidence at all.

34. Defendant Satterfield’s sworn statements that, at the time of his warrant applications, he had probable cause to believe that Mr. Clemmons’ Instagram account, Facebook account, and cellular phone contained evidence of crime were false and known to be false when made.

35. Defendants lacked probable cause to believe that “any/all” **pictures** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

36. Defendants lacked probable cause to believe that “any/all” **videos** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

37. Defendants lacked probable cause to believe that “any/all” **audio** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

38. Defendants lacked probable cause to believe that “any/all” **text messages** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

39. Defendants lacked probable cause to believe that “any/all” **incoming/outgoing conversations** on Mr. Clemmons’ Instagram account, Facebook

account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

40. Defendants lacked probable cause to believe that “any/all” **voicemails** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

41. Defendants lacked probable cause to believe that “any/all” **chat logs** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

42. Defendants lacked probable cause to believe that “any/all” **contact information** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

43. Defendants lacked probable cause to believe that “any/all” **call logs** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

44. Defendants lacked probable cause to believe that “any/all” **emails** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

45. Defendants lacked probable cause to believe that “any/all” **internet data** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

46. Defendants lacked probable cause to believe that “any/all” **Wi-Fi data** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

47. Defendants lacked probable cause to believe that “any/all” **IP addresses** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

48. Defendants lacked probable cause to believe that “any/all” **search history** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

49. Defendants lacked probable cause to believe that “any/all” **maps** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

50. Defendants lacked probable cause to believe that “any/all” **locations** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

51. Defendants lacked probable cause to believe that “any/all” **GPS data** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

52. Defendants lacked probable cause to believe that “any/all” **drafts** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

53. Defendants lacked probable cause to believe that “any/all” **deleted files or folders** on Mr. Clemmons’ Instagram account, Facebook account, or cellular phone contained evidence of a supposed aggravated assault against Officer Lippert.

54. Defendant Satterfield did not know of any nexus between the contents of Mr. Clemmons’ Instagram account, Facebook account, and cellular phone and the

supposed crime he was investigating when he sought warrants to search them.

55. Defendant Satterfield's search warrant applications did not attempt to ensure that the Defendants' searches of Mr. Clemmons' Instagram account, Facebook account, and cellular phone would be conducted in a manner that minimized unwarranted intrusions upon privacy. Similarly, the approved search warrants themselves failed to ensure that Defendants' searches of Mr. Clemmons' Instagram account, Facebook account, and cellular phone would be conducted in a manner that minimized unwarranted intrusions upon privacy.

56. The search warrants for Mr. Clemmons' Instagram account, Facebook account, and cell phone issued because the issuing magistrates were misled by information contained in Defendant Satterfield's affidavits.

57. At the time that Defendant Satterfield applied for the defective search warrants at issue, Defendant Satterfield knew that material allegations set forth in his affidavits were false.

58. At the time that Defendant Satterfield applied for the defective search warrants at issue, Defendant Satterfield would have known that additional material allegations set forth in his affidavits were false but for his reckless disregard for the truth.

59. The judges who issued the defective search warrants at issue wholly abandoned their judicial role and failed to act in a neutral and detached fashion, serving merely as a rubber stamp for the police.

60. Defendant Satterfield's warrant applications were supported by nothing more than "bare bones" affidavits that did not provide the magistrates with a substantial basis for determining the existence of probable cause.

61. Defendant Satterfield's warrant applications were so lacking in indicia of

probable cause as to render his official belief in its existence entirely unreasonable.

62. Defendant Satterfield's reliance on the warrants was not in good faith or objectively reasonable, because the warrants were facially deficient.

63. Even a cursory reading of the warrants issued would have revealed glaring deficiencies that any reasonable police officer would have known were constitutionally fatal.

64. Following Mr. Clemmons' death, the Defendants returned some of the Plaintiff's property to the Plaintiff, including Mr. Clemmons' shoes, pants, belt, socks, \$37.00, and some change.

65. However, the Defendants have refused to relinquish Mr. Clemmons' seized cellular telephone.

66. It is presently unknown to the Plaintiff what Defendants obtained and retained from Mr. Clemmons' Instagram account and Facebook account.

67. The Plaintiff is the rightful owner of all property seized from Mr. Clemmons pursuant to the three defective search warrants at issue.

68. “[S]eized property, other than contraband, should be returned to the rightful owner after the criminal proceedings have terminated.” *United States v. Francis*, 646 F.2d 251, 262 (6th Cir. 1981) (citing *United States v. LaFatch*, 565 F.2d 81, 83 (6th Cir. 1977)). None of the property seized pursuant to Defendant Satterfield's defective search warrants was contraband.

69. The requirement that seized property should be returned to its rightful owner after the conclusion of criminal proceedings applies even where an initial seizure was lawful. *See id.* at n. 7 (“This is true where the initial seizure was lawful and where it was unlawful.”).

70. Criminal proceedings against Mr. Clemmons were never initiated, they will never be initiated, and they were never going to be initiated when Defendant Satterfield applied for the defective search warrants at issue. Detective Satterfield could not arrest Mr. Clemmons at any point during his investigation, and he had no intention of arresting Mr. Clemmons at any time relevant to this proceeding regardless of what his requested searches yielded.

71. Any possibility of criminal proceedings being initiated against Mr. Clemmons was conclusively terminated upon Mr. Clemmons' death on February 10, 2017. Regardless of the status of a defendant's criminal proceedings, under the doctrine of abatement *ab initio*, a defendant's death conclusively terminates a criminal action *ab initio*. See, e.g., *United States v. Wilcox*, 783 F.2d 44, 44 (6th Cir. 1986) ("Where a defendant in a criminal case dies while the case is pending on direct appeal, the case abates and the action must be remanded to the district court to dismiss the indictment.").

## **V. CAUSES OF ACTION**

### **1. Return of Property Pursuant to Fed. R. Crim. P. 41(g)**

72. The Plaintiff reincorporates and realleges the foregoing allegations as if fully set forth herein.

73. The Plaintiff is the rightful owner of all property previously owned by Mr. Clemmons, including, without limitation, "any/all data contained and/or stored within" Mr. Clemmons' Instagram account, Facebook account, and cellular phone, as well as his cellular phone itself.

74. The Plaintiff is aggrieved by the Defendants' search and seizure of the above-described property.

75. The Plaintiff is aggrieved by the continued deprivation of Mr. Clemmons' cellular phone and its contents.

76. The Defendants have no legitimate reason to retain "any/all data contained and/or stored within" Mr. Clemmons' Instagram account, Facebook account, and cellular phone or to retain his cellular phone itself.

77. The Defendants' searches and seizures of Mr. Clemmons' Instagram account, Facebook account, and cellular phone were unlawful.

**2. Return of Property Pursuant to Tenn. Code Ann. § 29-30-101**

78. The Plaintiff reincorporates and realleges the foregoing allegations as if fully set forth herein.

79. The Plaintiff's goods, chattels, or other items of tangible personal property are in the Defendants' possession.

80. The Plaintiff is entitled to the possession and recovery of all of the above-described property seized by Defendants, including, without limitation, "any/all data contained and/or stored within" Mr. Clemmons' Instagram account, Facebook account, and cellular phone, and his cellular phone itself.

**3. Violation of 4<sup>th</sup> Amendment, 14<sup>th</sup> Amendment, and Tenn. Const. art. I, § 7**

81. The Plaintiff reincorporates and realleges the foregoing allegations as if fully set forth herein.

82. The Defendants' search warrants were not supported by probable cause.

83. The Defendants' search warrants failed to establish the requisite nexus between the items to be searched and the crime being investigated.

84. The Defendants' search warrants were unconstitutionally overbroad.

85. The Defendants' search warrants were obtained on the basis of sworn statements that were both false and known to be false when made.

86. The Defendants' search warrants were granted by judges who wholly abandoned their judicial role and failed to act in a neutral and detached fashion, serving merely as a rubber stamp for the police.

87. The Defendants' search warrant applications were supported by nothing more than "bare bones" affidavits that did not provide the magistrates with a substantial basis for determining the existence of probable cause.

88. The Defendants' search warrants were so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable.

89. The Defendants' search warrants were neither sought nor relied upon in good faith.

90. The Defendants' search warrants were so glaringly deficient that any reasonable police officer would have known they were constitutionally fatal.

## **VI. CLAIMS FOR RELIEF**

**WHEREFORE**, the Plaintiff respectfully requests that this Court:

1. Order Defendants to return to Plaintiff all property seized by Defendants pursuant to the challenged search warrants, including, without limitation, "any/all data contained and/or stored within" Mr. Clemmons' Instagram account, Facebook account, and cellular phone, and his cellular phone itself.

2. Issue a final judgment declaring that each search warrant sought and obtained by Defendants violated the Fourth Amendment, Fourteenth Amendment, and Tenn. Const. art. I, § 7.



3. Award Plaintiff reasonable costs and attorney's fees pursuant to 42 U.S.C. § 1988(b).
4. Grant Plaintiff all other relief to which it appears it is entitled.

Respectfully submitted,

By: /s/ Daniel A. Horwitz  
Daniel A. Horwitz, BPR #032176  
1803 Broadway, Suite #531  
Nashville, TN 37203  
daniel.a.horwitz@gmail.com  
(615) 739-2888

J. Alex Little, BPR #29858  
Bone McAllester Norton PLLC  
Nashville City Center  
511 Union Street - Suite 1600  
Nashville, TN 37219  
alex.little@bonelaw.com  
(615) 238-6395

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of February, 2018, a copy of the foregoing was served via USPS mail, postage prepaid, emailed, and/or sent via CM/ECF, and to the following parties:

Metropolitan Government of Nashville and Davidson County  
c/o Metropolitan Department of Law  
Metro Courthouse, Suite 108  
P.O. Box 196300  
Nashville, TN 37219-6300

*Counsel for Defendants*

By: /s/ Daniel A. Horwitz  
Daniel A. Horwitz, Esq.