

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

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**Just City, Inc.,**

Plaintiff,

v.

Floyd Bonner Jr.,  
**Shelby County Sheriff;**

Lee Wilson,  
**Presiding Shelby County General  
Sessions Criminal Court Judge; and**

Case No. 24-cv-2540

John Marshall, Robert Barber, Rhonda  
Harris, Kevin Reed, Christopher Ingram,  
Shayla Purifoy, Ross Sampson, Serena Gray,  
Terita Hewlett, Mischelle Best, Kenya Smith,  
Zayid Saleem, Kathy Kirk Johnson, Leslie  
Mozingo,  
**Shelby County Judicial  
Commissioners,**

in their official capacities,

Defendants.

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**DEFENDANTS' SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO  
CLAS CERTIFICATION**

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COMES NOW the Defendants Floyd Bonner Jr., Lee Wilson., John Marshall,  
Robert Barber, Rhonda Harris, Kevin Reed, Christopher Ingram, Shayla Purifoy,  
Ross Sampson, Serena Gray, Terita Hewlett, Mischelle Best, Kenya Smity, Zayid

Saleem, Kathy Kirk Johnson, Leslie Mozingo (collectively, “the Defendants”) and submit this supplemental memorandum in opposition to *Plaintiffs’ Motion for Class Certification* (ECF No. 76) (“the Motion”). The Court held a hearing on the Motion on October 30, 2025. The Court subsequently granted the parties leave to file post-hearing memorandums addressing the question of commonality in the class certification analysis. (See ECF No. 110).

The Defendants maintain that Plaintiffs have not shown the requisite commonality in the various claims of the potential class members under Fed. R. Civ. P. 23(a)(2). At the hearing on Plaintiffs’ Motion, the parties seemed to agree that *Speerly v. General Motors, LLC*, 143 F.4th 306 (6th Cir., 2025) should guide the Court’s decision on class certification but differed on how the Court should apply *Speerly* to reach its conclusion. The Defendants rely on all arguments made during the October 30<sup>th</sup> hearing to show that *Speerly* preponderates towards deny class certification in this case, and also offer the following supplemental reasons for denying class certification:

*Speerly* recognizes that, for the purposes of the class action commonality analysis, “[a] common question must resolve an issue that is central to the validity of each one of the claims.” *Id.* at 317 (citations and internal quotation marks omitted). “A question is not common if the answer requires evidence that varies from member to member.” *Id.* (citations and internal quotation marks omitted). Instead, a sufficiently common question is one “where the same evidence will suffice for each member to answer it.” *Id.*

Plaintiffs have not shown a sufficiently common question under the *Speerly* standard. The foregoing remains true whether the Court chooses to analyze the proposed claims as three separate causes of action or as “a single due process cause of action with three subparts.” (Plaintiff’s Supplemental Memorandum, ECF No. 109-2, PageID 1118). The primary reason for the break in commonality between the claim (or claim subparts) is that the application HB 1719 does not automatically lead to a deprivation of due process rights as Plaintiffs allege. HB 1719 may prohibit consideration of a detainee’s “ability to pay” a certain bail amount, but it expressly allows consideration of a detainee’s “financial condition” when setting bail. Thus, there is sufficient means for a detainee to be heard on the issue their financial means—or lack thereof—in the bail setting process.

The question of whether a detainee faces unconstitutional wealth-based detention then becomes an analysis of whether and to what extent an individual judicial commissioner gave appropriate consideration to the detainee’s financial condition when setting bail. Such an analysis would vary not just between individual putative class members, but between individual judicial commissioners who consider a given case.

### CONCLUSION

For the foregoing reasons, the Defendant urge the Court to deny the Motion to certify a class and to grant any such other relief, either general or specific, that the Court deems appropriate.

Respectfully submitted,

*Jasen M. Durrence*

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**CERTIFICATE OF SERVICE**

I certify that the foregoing is being filed via the Court's ECF system this 20<sup>th</sup> day of November, 2025, for service on all persons registered in connection with this case.

*Jasen M. Durrence*