

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

THE NASHVILLE COMMUNITY)	
BAIL FUND,)	
)	
Plaintiff,)	
)	Civil Action No. 3:20-cv-00103
v.)	
)	Judge Aleta A. Trauger
HOWARD GENTRY, Criminal)	
Court Clerk, in his official capacity,)	
)	
Defendant.)	

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Plaintiff The Nashville Community Bail Fund (“NCBF”) now moves for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure in its favor on all claims in the Complaint. In support of this Motion, the NCBF files a Memorandum in Support of Plaintiff’s Motion for Summary Judgment, a Statement of Undisputed Material Facts, and Declaration contemporaneously with this Motion. For the reasons stated in the accompanying Memorandum, the NCBF respectfully submits that there are no issues of material fact and that the NCBF is entitled to judgment as a matter of law on Counts I, II, and III.

First, Local Rule 10(B) and Gentry’s Policies enforcing it constitute excessive bail in violation of the Eighth Amendment because they impose conditions in excess of and unrelated to what is necessary to secure the presence of the arrestee at court proceedings. Furthermore, Local Rule 10(B) and Gentry’s Policies are not narrowly tailored to further any compelling state interest.

Second, Local Rule 10(B) and Gentry’s Policies enforcing it violate the Fourteenth Amendment by imposing unconstitutional conditions on an arrestee’s fundamental liberty interest.

Finally, Local Rule 10(B) and Gentry's Policies enforcing it deprive the NCBF of the money it deposits without providing the NCBF with an opportunity to be heard in violation of the Due Process Clause of the Fourteenth Amendment.

A permanent injunction is appropriate because Local Rule 10(B) and Gentry's Policies enforcing it are unconstitutional and cause continuing injury to both the NCBF and its participants, as well as other third-party bail payors and those for whom they seek to pay bail.

WHEREFORE, for these reasons, and those set forth in the Memorandum, the NCBF respectfully requests that the Court grant summary judgment in its favor on Counts I, II, and III.

Dated this 11th day of November 2020.

Respectfully submitted,

/s/ Angela L. Bergman

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served on counsel for Howard Gentry identified below via this Court's CM/ECF system on this the 11th day of November 2020:

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