

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

JANE DOE,
INDIVIDUALLY AND AS CLASS REPRESENTATIVE
OF ALL OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

Docket No.: 2:13-cv-03002

CITY OF MEMPHIS,

Defendant.

CLASS ACTION COMPLAINT

COMES NOW, Plaintiff Jane Doe, by and through undersigned counsel of record and on behalf of herself individually and others similarly situated, and states as follows:

I. NATURE OF ACTION

Plaintiff and the putative class members are female individuals who reported sexual assaults to third parties, had bodily fluid samples removed from their bodies and placed within sexual assault evidence kits, and whose sexual assault kits were subsequently transported to the Memphis Police Department for testing, evidentiary and custodial purposes. The City of Memphis failed to submit over 15,000 such sexual assault kits for further testing and caused the spoliation of the sexual assault kits all of which resulted in damages to the Plaintiff and the putative class which constitutes a violation of the equal protection clauses of the Tennessee and United States constitutions.

II. PARTIES

1. Class Representative, Plaintiff Jane Doe (hereinafter referred to as “Class Representative” or “Plaintiff Doe”), is an adult female resident of Memphis, Shelby County, Tennessee.

2. Defendant City of Memphis (hereinafter referred to as “Defendant” or “City of Memphis”) is a municipal entity, located in Shelby County, Tennessee, recognized by the State of Tennessee as a properly organized and legal municipal entity, operated the Memphis Police Department and can be served with process through its city attorney, Herman Morris at his office located at 125 North Main Street, Suite 336, Memphis, Tennessee 38103.

III. JURISDICTION AND VENUE

3. The wrongful acts, omissions and injuries described in the body of this Complaint all occurred in Memphis, Shelby County, Tennessee and venue is appropriate in this judicial district pursuant to 28 U.S.C § 1391.

4. The jurisdiction of this lawsuit is proper in the United States District Court for the Western District of Tennessee, Western Division. Jurisdiction lies with this Court pursuant to 28 U.S.C. § 1331 and 1343 and supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

5. This action is brought pursuant to 42 U.S.C. §§ 1983 and 48 U.S.C. § 1985 and various other state laws and the common law.

IV. CLASS ACTION

6. Pursuant to Fed. R. Civ. P. Rule 23(a) and 23(b)(1) and (2), Class Representative Plaintiff Doe brings this class action on her behalf and on behalf of other similarly situated sexually assaulted citizens in Memphis, Shelby County, Tennessee (“Class”).

7. The exact number of members in the Class identified in the preceding paragraph is not presently known, but upon information and belief, the Class includes over fifteen thousand (15,000) individuals, and is therefore so numerous that joinder of individual members in this action is impracticable.

8. There are common questions of law and fact in the action that relate to and affect the rights of each member of the Class. The relief sought is common to the entire Class, as set forth below in this Complaint.

9. The claims of the Class Representative are typical of the Class she represents as the Class Representative claims that the City of Memphis violated the rights held by the Class members under the Fourteenth Amendment to the United States Constitution, Tennessee Constitution, 42 U.S.C. §1983 and state law. There is no conflict between the Class Representative and any other members of the Class with respect to this action.

10. The Class Representative is the representative party for the Class, and is able to fairly and adequately protect the interests of the Class, and will so represent the Class.

11. The attorneys for the Class Representative are experienced and capable in the field of constitutional law.

12. The City of Memphis has acted on grounds generally applicable to the Class, thereby making final injunctive relief or corresponding injunctive relief appropriate with respect to the Class as a whole.

13. This action is properly maintained as a class action in that the prosecution of separate actions by individual Class members would create a risk of different adjudications with respect to individual members of the Class that would establish incompatible standards of conduct for the City of Memphis.

14. The Class consists of females who reported sexual assaults to third parties, had body fluid samples removed from their bodies and placed within sexual assault evidence kits, and whose sexual assault kits were subsequently transported to the Memphis Police Department for testing, evidentiary and custodial purposes. Plaintiff Doe is a member of the class.

15. During the relevant time period more than fifteen thousand (15,000) individuals reported sexual assaults to third parties, had body fluid samples removed from their bodies and placed within sexual assault evidence kits, and whose sexual assault kits were subsequently transported to the Memphis Police Department for testing, evidentiary and custodial purposes.

16. Pursuant to Fed. R. Civ. P. 23(a)(1), based on the number of Class members, the Class is so numerous that joinder of all members is impracticable.

17. All Class members were exposed to the same type of conduct by the Defendant and experienced the same due process, equal protection and statutory violations by the Defendant. Accordingly, pursuant to Fed. R. Civ. P. 23(a)(2), there are questions of law and fact common to the Class.

18. Plaintiff Doe experienced the same type of conduct by the Defendant as the Class and experienced the same due process, equal protection and statutory violations by the Defendant as the rest of the class. Accordingly, pursuant to Fed. R. Civ. P. 23(a)(3) the claims of the Class Representative are typical of the claims of the Class.

19. Plaintiff Doe is an adequate representative of the Class because her interests do not conflict with the interests of the Class that she seeks to represent, she has retained counsel competent and experienced in class action and civil rights litigation and she intends to prosecute this action vigorously. Accordingly, pursuant to Fed. R. Civ. P. 23(a)(4), the Class Representative will fairly and adequately protect the interests of the Class.

20. This action is properly maintained as a class action in that the prosecution of separate actions by individual Class members would create a risk of different adjudications with respect to individual members of the Class that, as a practical matter, would be dispositive of the interests of other members not party to the adjudication, or would substantially impair or impede their ability to protect their interests.

21. This action is properly maintainable under both Fed. R. Civ. P. 23(b)(2) and 23(b)(3) because the City of Memphis has acted or refused to act on grounds generally applicable to the Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole and because questions of law and fact predominate over questions affecting individual members and a class action is superior to other available methods for the fair and efficient

adjudication of this case. This action is also maintainable under Fed. R. Civ. P. 23(c)(4)(A) for all class issues alleged herein.

22. The questions of law or fact common to the Class and which predominate over any other questions affecting individual class members, include without limitation:

- a. Whether the Defendant City of Memphis had a custom, policy and practice of failing to submit sexual assault evidence kits for testing;
- b. Whether the Defendant City of Memphis's custom, policy and practice with respect to its treatment of sexual assault evidence kits violated constitutionally protected rights of the Class under 42 U.S.C. §1983 and the due process clause with respect to their liberty and property interests;
- c. Whether the Defendant City of Memphis's custom, policy and practice with respect to its treatment of sexual assault evidence kits violated constitutionally protected rights of the Class under 42 U.S.C. §1983 and the equal protection clause by treating sexual assault reports from women with less priority than other crimes not involving women or domestic violence;
- d. Whether Defendant City of Memphis's treatment of female rape victims and sexual assault kits was consistent with ordinary and reasonable law enforcement practices or whether such treatment was reckless and/or intentional; and

- e. Whether Defendant City of Memphis's treatment of female rape victims the sexual assault kits they submitted was reckless and/or intentional.

23. This action is superior to any other available means for the fair and efficient adjudication of this controversy, and no unusual difficulties are likely to be encountered in the management of this class action. Individual litigation would increase the delay and expense to all parties and the court system, would create the potential for inconsistent or contradictory judgments and would possibly impair or impeded the ability of individual class members to protect their interests. By contrast, this class action presents far fewer management difficulties and provides the benefits of a single adjudication, economy of scale and comprehensive supervision by a single court.

V. FACTS PERTAINING TO THE WRONGFUL TREATMENT OF JANE DOE

24. Plaintiff Doe was born on XXXXX XX, 19XX.

25. At all times relevant herein, Plaintiff Doe was a single parent and resided with her minor children.

26. In the early morning of March 30, 2001 Plaintiff Doe was asleep at home in her bedroom and her minor children were asleep in an adjacent bedroom.

27. At approximately 2:00a.m. on March 30, 2001 an intruder violently broke into Plaintiff Doe's home by kicking in a window.

28. After the intruder broke into Plaintiff Doe's home, her arms and feet were bound and she was sexually assaulted multiple times by the intruder.

29. On March 30, 2001 Plaintiff Doe reported the sexual assault to the Memphis Police Department.

30. On March 30, 2001, Plaintiff Doe was transported to the Rape Crisis Center for treatment and the collection of evidence. While at the Rape Crisis Center medical personnel took body fluid samples from Jane Doe and placed them into a Memphis Police Department Sexual Assault Evidence Kit (hereinafter referred to as "Sexual Assault Evidence Kit").

31. An officer from the Memphis Police Department transported the Sexual Assault Evidence Kit to the Memphis Police Department ostensibly for testing and to be used as evidence against the intruder.

32. Over the next thirteen (13) years Defendant City of Memphis never submitted Plaintiff Doe's Sexual Assault Evidence Kit for testing.

33. Unknown to Plaintiff Doe, the City of Memphis had a policy, practice and/or custom of discarding sexual assault evidence kits.

34. Unknown to Plaintiff Doe, the City of Memphis had a policy, practice and/or custom of failing to submit sexual assault evidence kits for testing:

- a. Over fifteen thousand (15,000) Sexual Assault Evidence Kits went untested over a period of several decades; and
- b. A disproportionate number of the victims whose body fluids were taken and located in the Sexual Assault Evidence Kits were women.

35. Defendant City of Memphis failed to:

- a. Arrange for the timely analysis and evaluation of the evidence contained in the Sexual Assault Evidence Kit;
- b. Affect an arrest of the intruder;

- c. Determine if other crimes may have been committed by the intruder; and
- d. Prevent future rapes by the intruder.

36. On information and belief, the failure to submit Plaintiff Doe's Sexual Assault Evidence Kit for testing was consistent with an institutional practice of the City of Memphis Police Department, was known to policy makers within the City of Memphis Police Department, was ratified by multiple policymakers within the City of Memphis Police Department, and the Defendant failed to take any effective action to prevent the personnel within the Memphis Police Department from continuing to engage in such misconduct.

37. On information and belief, Defendant City of Memphis authorized, tolerated as institutional practices and ratified the misconduct above by:

- a. Failing to properly supervise the Memphis Police Department;
- b. Failing to properly train the Memphis Police Department;
- c. Failing to forward to the District Attorney General of Shelby County evidence of criminal acts committed in Shelby County;
- d. Failing to protect and ensure evidence is not lost or mishandled; and
- e. Failing to discipline, restrict and control Memphis Police Department employees for failing to investigate crimes of sexual assault of females.

38. Plaintiff Doe suffered injuries, including but not limited to:

- a. Physical injuries from the sexual assault, and

- b. Severe emotional and psychological injuries.

VI. 42 U.S.C. § 1983 EQUAL PROTECTION AGAINST THE CITY OF MEMPHIS

39. Plaintiff Doe repeats, realleges, and incorporates herein each of the preceding paragraphs 1-38 as if fully set forth herein.

40. At all relevant times herein, the Memphis Police Department acted under color of law.

41. At all relevant times herein, the Defendant City of Memphis with deliberate indifference, intentionally, willfully and wantonly and/or with reckless disregard deprived Plaintiff Doe and the Class of rights and/or privileges secured by the constitution, including but not limited to:

- a. Defendant violated Plaintiff Doe and Class members of Due Process Clause property interests in their DNA samples, which had been provided and stored at the City of Memphis facility, and their right to redress in the courts, by failing to investigate, submit sexual evidence kits or arrest the accused; and
- b. Defendant violated Plaintiff Doe and Class members of Due Process Clause property interests in their persons, by failing to investigate, submit sexual assault evidence kits or arrest the accused.

42. Defendant with deliberate indifference, failed to train its police officers as to the rights of persons with whom the police come into contact, including but not limited to Plaintiff Doe and other Class members.

43. Defendant's deliberate indifference, willful and wanton conduct created a danger of an increased risk of harm of sexual abuse, and/or fostered an environment to

exist and continue in which a victim was sexually abused and/or in fear of sexual assault.

44. Defendant's deliberate indifference, willful and wanton conduct created a danger of an increased risk of harm to the victims of sexual abuse, which are disproportionately females, by failing to investigate sexual assault crimes.

45. Defendant's deliberate indifference, willful and wanton conduct created a danger of an increased risk of harm to the victims of sexual abuse, which are disproportionately females, by fostering an environment whereby the perpetrators of sexual assault were allowed to continue to prey on victims without fear of investigation by the Memphis Police Department.

46. Defendant's conduct was motivated by gender.

47. Defendant's conduct was intentional and due to Plaintiff Doe's and the Class members' female gender.

48. Defendant has a history of discriminating against females. Defendant treats domestic violence abuse reports from women with less priority than other crimes not involving women reporting domestic violence abuse.

49. Defendant violated Plaintiff Doe's and the Class members' civil rights by having an express policy that, when enforced, caused a constitutional deprivation to Plaintiff Doe and the Class members, or by having a wide-spread practice and/or custom that, although not authorized by written law or express municipal policy was so permanent and well settled as to constitute a custom or usage with the force of law.

50. The constitutional injury inflicted by the Defendant was caused by a person with final policymaking authority for the City of Memphis.

51. Defendant knew about the herein described conduct and facilitated it, approved it, condoned it and/or turned a blind eye to it.

52. The above described conduct of the City of Memphis constitutes a violation of 42 U.S.C. § 1983. Plaintiff Doe and the Class members are entitled to compensatory damages and other non-pecuniary losses.

53. As a direct and proximate result of the actions the Plaintiff Doe and the Class members suffered deprivation of their constitutional rights.

VII. REQUEST FOR PRELIMINARY AND PERMANENT INJUNCTIONS

54. Plaintiff Doe repeats, realleges, and incorporate herein each of the preceding paragraphs 1-53 as if fully set forth herein.

55. The Plaintiffs seek a preliminary injunction restraining and prohibiting Defendants from continuing its policy and/or custom of failing to test sexual assault evidence kits.

56. In the absence of the issuance of a preliminary injunction, the Defendant will cause immediate and irreparable harm including, but not limited to, violation of citizens' exercise of constitutional rights, physical and mental harm.

57. There is no harm to the public interest if an injunction issues, and, in fact, the issuance of an injunction under the circumstances and facts of this case protects the public interest.

58. The harm to the females who submit sexual assault evidence kits to the City of Memphis outweighs any harm to the Defendant, thus injunctive relief is appropriate.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand that the court issue a Declaratory Order declaring the policy of the Defendant with respect to the handling of the sexual assault evidence kits to be unconstitutional; issue the injunctions as prayed for in the Complaint, empanel a jury to try the issues raised herein which are properly triable before a jury and pray for a monetary judgment against the Defendant in an amount to be determined at trial and any other relief the Court deems just and proper, including by not limited to: i) Attorney's fees and costs pursuant to 42 U.S.C. §1988; (ii) Pre- and post- judgment interest; (iii) Discretionary costs; and (iv) All such further relief, both general and specific, to which Plaintiffs may be entitled or to which they may show themselves entitled.

Respectfully submitted,

SPENCEWALK, PLLC

By: s/ Robert L. J. Spence, Jr.
Robert L. J. Spence, Jr. (BPR# 12256)
Kristina A. Woo (BPR #22349)
Bryan M. Meredith (BPR 26876)
One Commerce Square, Suite 2200
Memphis, Tennessee 38103
Office: (901) 312-9160
Facsimile: (901) 521-9550
rspence@spencewalk.com
kwoo@spencewalk.com
bmeredith@spencewalk.com

Attorneys for Plaintiffs

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS Jane Doe</p> <p>(b) County of Residence of First Listed Plaintiff <u>Shelby County, TN</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Robert L. J. Spence, Jr. One Commerce Square, Suite 2200 Memphis, Tennessee 38103 901.312.9160</p>	<p>DEFENDANTS City of Memphis</p> <p>County of Residence of First Listed Defendant <u>Shelby County, TN</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) Herman Morris, City Attorney 125 North Main Street, Suite 336 Memphis, Tennessee 38103</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input checked="" type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 448 Education</p> <p>HABES CORPUS:</p> <p><input type="checkbox"/> 463 Alien Detainee</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p>Other:</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p>			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983 and 48 U.S.C. 1985

Brief description of cause:
Violation of 42 USC 1983 and 48 U.S.C. 1985

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 12/20/2013 SIGNATURE OF ATTORNEY OF RECORD: /s/ Robert L. J. Spence, Jr.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

Jane Doe, individually and as a
class representative of all other similarly situated

Plaintiff(s)

v.

City of Memphis

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) City of Memphis
Agent for Service, City Attorney Herman Morris
125 North Main Street, Suite 336
Memphis, Tennessee 38103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Robert L. J. Spence, Jr.
SpenceWalk, PLLC
40 South Main Street, Suite 2200
Memphi, Tennessee 38103

Telephone: 901.312.9160

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: