

**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. §

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

Case No.: 3:18-cv-00133

Judge Campbell  
Magistrate Judge Holmes

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**SETTLEMENT AGREEMENT AND STIPULATION OF DISMISSAL**

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As evidenced by the signatures of counsel below, all matters in controversy have been compromised and settled, and the Parties have agreed to the following:

1. Defendants shall administratively expunge and destroy all data in their possession retrieved from Jocques Clemmons's Instagram account and Facebook account based on the first and second search warrants appended to the Plaintiff's Complaint at Doc. #1-2, PageID #20-#28.

2. Defendants shall return to the Plaintiff, via Plaintiff's counsel, the cellular telephone that is the subject of the third search warrant appended to the Plaintiff's Complaint at Doc. #1-2, PageID #29-#33 pursuant to Fed. R. Crim. P. 41(g).

Defendants' counsel represents that following an independent inquiry, no data was extracted from Mr. Clemmons's cellular telephone.

3. As consideration for this stipulation of dismissal, Defendants acknowledge that the search warrants that are the subject of this action could possibly be construed as overbroad when applied to the circumstances related to Jocques Clemmons.

4. Defendants' counsel shall independently verify that Defendants have complied with the above described relief. Upon verification, Defendants' counsel shall certify Defendants' compliance by filing notice of such compliance with the Court.

5. Following certification by Defendants' counsel that all of the relief set forth in this Order has been provided, all remaining claims in this litigation, and all other pending matters arising out of, regarding, or relating to this litigation, shall be withdrawn, waived, dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(2), and/or denied as moot. The Plaintiff expressly disclaims any future claims against the Defendants regarding spoliation.

6. The Parties shall bear their own attorney's fees and discretionary costs incurred in bringing and defending against this action.

7. Defendants shall bear the court costs incurred in this action, for which execution may issue if necessary.

**IT IS SO ORDERED.**

Entered this \_\_\_\_ day of \_\_\_\_\_, 2018.

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JUDGE WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE

**APPROVED FOR ENTRY BY:**

/s/ Daniel A. Horwitz

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*Counsel for Plaintiff*

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of March, 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:

Keli J. Oliver, Esq.  
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*Counsel for Defendants*

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