

**THE NASHVILLE COMMUNITY
BAIL FUND,**

Plaintiff,

V.

**HON. HOWARD GENTRY, Criminal
Court Clerk, in his official capacity,**

Defendant.

Case No. 3:20-cv-00103
Judge Aleta A. Trauger

ORDER

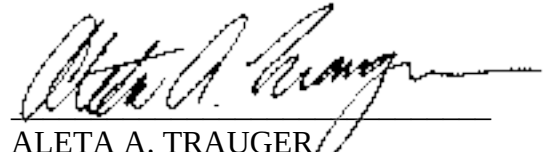
For the reasons explained in the accompanying Memorandum, the Motion for Preliminary Injunction filed by the Nashville Community Bail Fund (“NCBF”) (Docket No. 3) is hereby **GRANTED** in part and **DENIED** in part, and the Motion to Dismiss filed by Howard Gentry, in his official capacity as Criminal Court Clerk for the Twentieth Judicial District, (Docket No. 17) is **DENIED**. It is hereby **ORDERED** that:

1. Gentry, as Clerk for the Criminal Court for the Twentieth Judicial District, is hereby enjoined from enforcing Davidson County Local Rule Governing Bail Bonds 10(B) against NCFB or in any case in which NCFB posted bond. Cash bond deposits posted in Gentry's office by NCFB or a representative thereof shall be refunded in full at the conclusion of the criminal case, warrant, probation violation, case number, or other issue to which the bail was attached, so long as no final forfeiture order is entered against the bond.
2. Gentry is further enjoined from enforcing his policy of conditioning the posting of cash bonds in Davidson County on signing any written form acknowledging future payment of

criminal debts, with regard to NCBF. Individuals seeking to post cash bonds in Davidson County through NCBF may not be required to sign any form acknowledging or agreeing to any garnishment of bail before the bond is accepted and the individual incarcerated is released.

“The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” Fed. R. Civ. P. 65(c). Although NCBF is a small charitable organization, the record shows that it is capable of posting some bond and that the defendant may bear costs or damages if wrongly enjoined. NCBF is therefore **ORDERED** to post security bond in the amount of \$1,000.00 in relation to this Order.

It is so **ORDERED**.


Aleta A. TRAUGER
United States District Judge