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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

and

BARBARA L. JOHNSON,

Plaintiff in Intervention,

v.

FIRST TENNESSEE BANK,

Defendant.

Civil Action No. 3 04 0475

Judge Nixon

Magistrate Judge Knowles

DEFENDANT'S FIRST MOTION FOR SUMMARY JUDGMENT

Defendant, First Tennessee Bank National Association, improperly sued herein as "First Tennessee Bank," pursuant to Fed. R. Civ. P. 56, moves for summary judgment on the grounds that there are no genuine issues of material fact, and Defendant is entitled to judgment in its favor as a matter of law.

Based upon the undisputed facts, Defendant is entitled to judgment as a matter of law on all claims brought by the Equal Employment Opportunity Commission ("EEOC") on behalf of Plaintiff/Intervenor Johnson because the EEOC disregarded its statutory responsibility to make a

*ORDER*  
*In light of the parties' settlement*  
*fulks, this motion is DENIED without*  
*prejudice to renew, if settlement fails.*  
*The defendant can file a motion to reconsider*  
*its position on this motion papers. Will sign.*

16  
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