

IN THE SIXTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

KEVIN [REDACTED]

Plaintiff,

v.

METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY,

Defendant.

2004 JAN 27 PM 3: 07

RICHARD R. HOOKER, CLERK

No. 03C-1104

MOTION TO DISMISS

Comes now the Defendant, the Metropolitan Government of Nashville and Davidson County, by and through counsel, pursuant to Rule 41.02 of the T.R.C.P. and moves this Honorable Court to dismiss the Plaintiffs' cause of action for failure to prosecute. As grounds for this Motion, the Defendant would state as follows:

1. This lawsuit was filed on April 11, 2003.
2. On December 12, 2003 (by order entered January 12, 2004) the Court granted Plaintiff's counsel's motion to withdraw the Court and ordered Plaintiff to notify the Court within 30 days or by January 12, 2004 of his new counsel or pro se representation and surety. The Court also ordered that should Plaintiff fail to provide such notification and surety this lawsuit could be dismissed with prejudice.
3. Also on December 12, 2003 (by order entered December 17, 2003) the Court ordered Plaintiff to provide Defendant complete responses to the interrogatories propounded upon him on August 13, 2003 or face possible dismissal of his action.
4. On January 20, 2004 by the request of the Court, Defendant sent a letter to Plaintiff notifying him of the case management conference that was scheduled for January 26,

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