

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|---|---|----------------------|
| DEIDRE E. LANIER, M.D., |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 3:09-0776 |
| v. |) | JUDGE ECHOLS |
| |) | |
| SUNTRUST BANK, successor-in-interest |) | |
| to THIRD NATIONAL BANK IN |) | |
| NASHVILLE, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

In accordance with the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) Defendant/Counter-Plaintiff SunTrust Bank’s Motion For Summary Judgment (Docket Entry No. 17) is hereby GRANTED;

(2) the Motion For Summary Judgment (Docket Entry No. 28) filed by Plaintiff Deidre E. Lanier, M.D., is hereby DENIED;

(3) Plaintiff’s Complaint against Defendant (Docket Entry No. 1-1) is hereby DISMISSED WITH PREJUDICE;

(4) the Order Granting Injunction (Docket Entry No. 18-8) entered by Chancellor Ellen Hobbs Lyle in the Chancery Court For The State Of Tennessee, Twentieth Judicial District, Davidson County on August 25, 2009, is hereby DISSOLVED;

(5) judgment is granted in favor of Defendant SunTrust Bank, successor-in-interest to Third National Bank in Nashville¹, on Counts I and III of the Counterclaims; however, judgment is denied on Count II of the Counterclaims for unjust enrichment (Docket Entry No. 11);

(6) judgment is entered in favor of SunTrust Bank, successor-in-interest to Third National Bank in Nashville, on Count I of the Counterclaims in an amount equal to the entire balance owed, as of the date of entry of judgment, on the promissory note that was executed by the Plaintiff on March 18, 1993, plus an award of SunTrust's attorney's fees and expenses in collecting on the promissory note, such award to include those fees and expenses previously incurred by SunTrust Bank in collection efforts as well as additional estimated fees and expenses to be incurred by SunTrust Bank to complete collection on the promissory note;

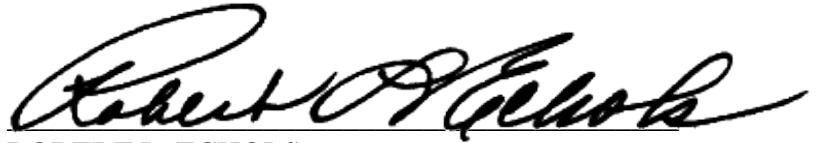
(7) declaratory judgment is entered in favor of SunTrust Bank, successor-in-interest to Third National Bank in Nashville, on Count III of the Counterclaims that SunTrust Bank is entitled to a non-judicial foreclosure Deed of Trust public sale pursuant to the terms of the Deed of Trust and applicable law; and

(8) Defendant SunTrust Bank, successor-in-interest to Third National Bank in Nashville, will file its motion for attorney's fees and expenses, supported by necessary affidavits and billing documentation, **within fourteen (14) days after entry of judgment**. Plaintiff Deidre E. Lanier, M.D., may file a response to the motion **within fourteen (14) days after service of Defendant's motion**. No reply will be permitted.

¹The Court previously dismissed as a party Defendant Robert C. Goodrich, Jr., Successor Trustee. (Docket Entry No. 16, Order.)

(9) Entry of this Order on the docket shall constitute entry of final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE