

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Nos. 13-5452/5454

MARILYN JOHNSON, et al.,  
Plaintiffs - Appellants/Cross - Appellees,**FILED**  
**Oct 27, 2014**  
DEBORAH S. HUNT, Clerk

v.

CITY OF MEMPHIS,  
Defendant - Appellee/Cross - Appellant.

Before: SUHRHEINRICH, GIBBONS, and COOK, Circuit Judges.

**JUDGMENT**On Appeal from the United States District Court  
for the Western District of Tennessee at Memphis.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED the district court's immunity-based dismissal of plaintiffs' negligence claim related to the 2000 action is AFFIRMED, the Title VII judgment invalidating the 2002 process is REVERSED thereby MOOTING the plaintiffs' challenge to the district court's choice of remedies for the 2002 process. IT IS FURTHER ORDERED that the district court's fees award is VACATED, and the case is REMANDED for further proceedings consistent with the opinion of this court.

**ENTERED BY ORDER OF THE COURT**

---

Deborah S. Hunt, Clerk