

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

DOUG MCCLURE,)	
)	
Plaintiff,)	
)	
v.)	No. 2:16-CV-368
)	
TRAVELERS CASUALTY INSURANCE,)	
COMPANY OF AMERICA,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

This matter is before the Court to address a motion for partial summary judgment filed by defendant Travelers Casualty Insurance Company of America, (“Travelers”), on February 6, 2018. [Doc. 18]. Travelers contemporaneously filed its memorandum in support, [Doc. 19], and statement of material facts, [Doc. 20]. Travelers argues that the plaintiff’s bad faith claim must be dismissed “for the following two reasons: (1) Tennessee law does not recognize a common law bad faith claim against an insurer; and (2) Plaintiff cannot establish the essential elements necessary to prevail on a statutory bad faith claim under Tennessee Code Annotated § 56-7-105[.]” [Doc. 19 at 3].

Plaintiff Doug McClure responded on February 22, 2018, conceding that the defendant’s motion should be granted. [Doc. 21]. Mr. McClure “agrees Tennessee law does not recognize a common law claim for bad faith against an insurer,” and “admits that he did not send a written demand to the Defendant informing the Defendant that if his claim was not paid within sixty (60)

days he intended to assert a bad faith claim against the Defendant as is required by T.C.A. § 56-7-105.” [Doc. 21].

In light of Mr. McClure’s concession, Travelers’ motion for partial summary judgment as to Mr. McClure’s bad faith claim is **GRANTED**. Mr. McClure’s bad faith claim against Travelers is **DISMISSED WITH PREJUDICE**.

So ordered.

ENTER:

s/J. RONNIE GREER

UNITED STATES DISTRICT JUDGE