

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MELISSA K. BRABSON,)	
)	
Plaintiff,)	
)	
v.)	No. 3:14-CV-336
)	Phillips/Shirley
SEARS, ROEBUCK AND CO. and)	
TIM LOCKHART in his capacity as)	
Manager and individually,)	
)	
Defendants.)	

ORDER

For the reasons set forth in the accompanying memorandum opinion, defendant Lockhart’s first motion to dismiss [Doc. 4] is **DENIED as moot**; defendant Lockhart’s second motion to dismiss [Doc. 13] is **DENIED**; defendant Sears, Roebuck and Co.’s partial motion to dismiss [Doc. 15] is **DENIED as moot**; and plaintiff’s motion for voluntary nonsuit [Doc. 19] is **GRANTED**, whereby the following claims will be **DISMISSED without prejudice**: the retaliatory discharge claims against defendant Lockhart under the TPPA and the common law; the claims of negligent infliction of emotional distress against both defendants; and the claim of negligent delegation of duty to hire and train against Sears.

IT IS SO ORDERED.

s/ Thomas W. Phillips
SENIOR UNITED STATES DISTRICT JUDGE