

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

REITA N. AGARWAL,)
)
Plaintiff,)
)
v.)
)
GORDON H. MANSFIELD, Acting)
Secretary of Veterans Affairs,)
Department of Veterans Affairs,)
)
Defendant.)

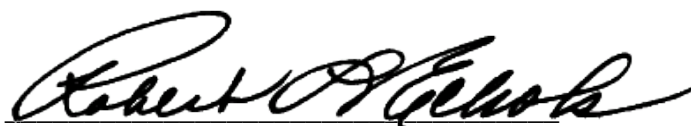
Case No. 3:07-1149
Judge Echols

ORDER

For the reasons explained in the Memorandum issued contemporaneously herewith, Defendant's Motion for Summary Judgment (Docket Entry No. 35) is hereby DENIED.

The Pretrial Conference in this case will be held on January 26, 2009 at 1:30 p.m., and the jury trial will commence on February 17, 2009, both as previously scheduled.

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
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REITA N. AGARWAL,)
)
 Plaintiff,)
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 v.)
) **Case No. 3:07-1149**
) **Judge Echols**
 GORDON H. MANSFIELD, Acting)
 Secretary of Veterans Affairs,)
 Department of Veterans Affairs,)
)
 Defendant.)

Case No. 3:07-1149
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MEMORANDUM

This is the most dispositive action Memorandum filed with the Court on 1/20/09. Plaintiff's Motion for Summary Judgment (Docket Entry No. 35) is hereby DENIED. Plaintiff Reita N. Agarwal (Dr. Agarwal) in this response in opposition to that Motion (Docket Entry No. 38) and Defendant's response (Docket Entry No. 44) as previously scheduled.

It is so ORDERED. **I. FACTUAL BACKGROUND**

Dr. Agarwal is a physician employed by the Department of Veterans Affairs ("VA") who worked in the Emergency Room at the Alvin C. York Medical Center Campus in Murfreesboro, Tennessee. It was her transfer from the Emergency Room to the Intensive Care Unit to attend a leadership program which led to this litigation. The facts underlying Plaintiff's claims are construed in Plaintiff's favor and are as follows.

The Alvin C. York Medical Center is part of the Tennessee Valley Healthcare System, which is a part of the VA. Primary Care is a section of the Alvin C. York Medical Center consisting of the