

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

JOSEPH B. BERTRAND,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:08-1123
)	Judge Echols
YELLOW TRANSPORTATION, INC.,)	
<i>et al.,</i>)	
)	
Defendants.)	

ORDER

For the reasons explained in the accompanying Memorandum, the Court hereby enters the following rulings:

(1) The Report and Recommendation of the Magistrate Judge (Docket Entry No. 138) is hereby ACCEPTED and APPROVED and Plaintiff’s Objections thereto (Docket Entry No. 146) are hereby OVERRULED;

(2) The Report and Recommendation of the Magistrate Judge (Docket Entry No. 139) is hereby ACCEPTED and APPROVED and Plaintiff’s Objections thereto (Docket Entry No. 140) are hereby OVERRULED;

(3) “Defendant Yellow Transportation, Inc., Larry Birney, Carl Hastings and Keith Dailey’s Motion to Dismiss, In Part, Plaintiff’s Amended Complaint” (Docket Entry No. 43) is hereby GRANTED and the following claims against those Defendants are hereby DISMISSED: (a) Plaintiff’s Fourteenth Amendment Equal Protection and 42 U.S.C. § 1983 claims; (b) Plaintiff’s Title VI, Title IX and Title X claims; (c) Plaintiff’s claims under 49 C.F.R. Part 40; (d) Plaintiff’s Title VII and Tennessee Human Rights Act claims for sex discrimination; (e) Plaintiff’s claims for

defamation; (f) Plaintiff's claims for intentional infliction of emotional distress; and (g) Plaintiff's Title VII claims against the individual company Defendants;

(4) Defendant Teamsters Local 480's Motion to Dismiss (Docket Entry No. 61) is hereby GRANTED and the following claims against the Union Defendants are hereby DISMISSED: (a) Plaintiff's Fourteenth Amendment Equal Protection and 42 U.S.C. § 1983 claims; (b) Plaintiff's Title VI, Title IX and Title X claims; (c) Plaintiff's claims under 49 CFR Part 40; (d) Plaintiff's claims of sex discrimination under Title VII and the Tennessee Human Rights Act, as well as any possible claims for sexual harassment and retaliation under Title VII and/or the Tennessee Human Rights Act; (e) Plaintiff's claims for defamation; (f) Plaintiff's claims for intentional infliction of emotional distress; and (g) Plaintiff's claims under 29 U.S.C. § 185. Defendant's Motion to Dismiss any purported claims against David Mottern is hereby DENIED AS MOOT;

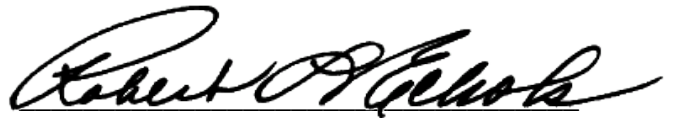
(5) Plaintiff's Motion for Extension of time to File Response (Docket Entry No. 144) is hereby DENIED AS MOOT;

(6) Plaintiff's Motion for Compensation (Docket Entry No. 147) is hereby DENIED; and

(7) Defendants' Motion for Leave to Respond to Plaintiff's Notice of Filing (Docket Entry No. 172) is hereby DENIED.

This action is hereby returned to the Magistrate Judge for further pretrial management in accordance with the previously entered Order of reference (Docket Entry No. 37).

It is SO ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE