

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

WILLIAM H. KRAUS,

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Plaintiff,

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Case No. 3:09-0419

)

Judge Trauger

v.

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)

CITY OF OAK HILL,

)

THOMAS C. ALSUP, in his individual

)

capacity,

)

)

Defendants.

)

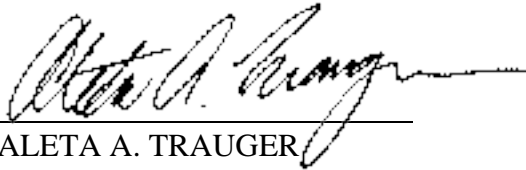
ORDER

For the reasons expressed in the accompanying Memorandum, the Motion to Dismiss for Failure to State a Claim, or Alternatively, for Summary Judgment filed by defendant the City of Oak Hill, Tennessee (Docket No. 38) is **GRANTED**. The Motion to Dismiss or for Summary Judgment filed by defendant Thomas Alsup (Docket No. 39) is **GRANTED**. The Motions for Attorneys' Fees filed by previously dismissed defendants, Robert Notestine and Austin McMullen, (Docket Nos. 33 and 34, respectively) are **DENIED**.

The plaintiff has 7 days from the date of this Order to show cause why the court should not award Notestine \$3,840 as a discovery sanction under Federal Rule of Civil Procedure 37 against the plaintiff, William H. Kraus, and his attorney, John Herbison, jointly and severally. This case is otherwise **DISMISSED**. Entry of this Order shall constitute the Judgment in this case.

It is so ordered.

Enter this 7th day of September, 2010.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", written over a horizontal line.

ALETA A. TRAUGER
United States District Judge