

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NICHOLAS SCOTT SAPP,]	
]	
Plaintiff,]	
]	
v.]	No. 3-09-0581
]	JUDGE HAYNES
]	
CSX TRANSPORTATION, INC.]	
]	
Defendant.]	

ORDER

In accordance with the Memorandum filed herewith, Defendant’s motion for summary judgment (Docket Entry No. 33) is **GRANTED**; Plaintiff’s motion for partial summary judgment (Docket Entry No. 36) is **GRANTED in part** as to the issue of mitigation but is otherwise **DENIED**; Plaintiff’s motions to strike (Docket Entry Nos. 45 and 52) are **GRANTED in part** and **DENIED in part**; and Defendant’s motion for permission to respond to the issue of mitigation of damages (Docket Entry No. 49) is **DENIED**. This action is **DISMISSED** with prejudice.

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 12th day of October, 2010.


WILLIAM J. HAYNES, JR.
United States District Judge