

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

**RUFUS LOWE,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **METROPOLITAN GOVERNMENT OF** )  
 **NASHVILLE AND DAVIDSON** )  
 **COUNTY,** )  
 )  
 **Defendant.** )

**No. 3:10-00857  
Judge Sharp**


**ORDER**

For the reasons set forth in the accompanying Memorandum, Defendant Metropolitan Government of Nashville and Davidson County’s Motion for Summary Judgment (Docket No. 23) is hereby GRANTED IN PART and DENIED IN PART. The Motion is GRANTED with respect to Plaintiff Rufus Lowe’s common law retaliatory discharge claim as set forth in the “Second Cause of Action” in the Amended Complaint, but DENIED with respect to his claim under the Uniformed Services Employment and Re-employment Rights Act as set forth in the “First Cause of Action” in the Amended Complaint.

Defendant’s Motion to Strike the Affidavit of Dr. Dara Talibah (Docket No. 37) is hereby DENIED.

The pretrial conference will be held on March 26, 2012 at 1:30 p.m., and the jury trial in this case will commence at 9:00 a.m. on April 17, 2012, both as previously scheduled.

It is SO ORDERED.

  
\_\_\_\_\_  
KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE