

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

<p>AMANDA CONKLIN,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p>v.</p> <p>AMERICAN NATIONAL PROCESSING, INC.,</p> <p style="padding-left: 100px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. 3:14-cv-1069</p> <p>Judge Nixon</p> <p>Magistrate Judge Bryant</p> <p>JURY DEMAND</p>
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ORDER

Pending before the Court is Defendant American National Processing, Inc.’s (“ANP”) Motion Dismiss Plaintiff’s THRA Claims (“Motion”) (Doc. 11), in which ANP requests the Court to dismiss Plaintiff Conklin’s pregnancy discrimination and sexual harassment claims brought pursuant to the Tennessee Human Rights Act (“THRA”) for failure to file within the one-year statute of limitations period. (Doc. 11 at 3.)

Under the THRA, “[a] civil cause of actions . . . shall be filed . . . within one (1) year after the alleged discriminatory practice ceases.” Tenn. Code Ann. § 4-21-311(d). An aggrieved employee may elect to seek administrative relief first, but the statute of limitations period is not tolled while administrative charges are pending. *Puckett v. Tennessee Eastman Co.*, 889 F.2d 1481, 1485–86 (6th Cir.1989); *Bennett v. Steiner-Liff Iron & Metal Co.*, 826 S.W.2d 119, 120–21 (Tenn. 1992) (finding the statute of limitations was not tolled while Plaintiff pursued her THRA claims with the Tennessee Human Rights Commission).

As a matter of law, Defendant’s alleged discriminatory practices ceased—and the one-year limitations period began to run—no later than when Plaintiff’s employment was terminated October 23, 2012. (Doc. 1 ¶ 9.) See *Booker v. The Boeing Co.*, 188 S.W.3d 639, 645 (Tenn.

2006) (“a discriminatory termination ceases and is complete when the plaintiff is given unequivocal notice of the employer’s termination decision, even if employment does not cease until a designated date in the future”) (citation and brackets omitted). While Plaintiff filed charges with the EEOC (Doc. 1 ¶ 1), this administrative action did not toll the statute of limitations period. Plaintiff’s complaint does not allege any cognizable THRA injury beyond the date of termination, therefore Plaintiff’s date of termination started the statute of limitations period. Because Plaintiff’s filed her complaint on February 29, 2014, more than one year removed from the date of her termination, Plaintiff’s THRA claims are time-barred and must be dismissed pursuant to Fed. R. Civ. P. 12(b)(6). *Cataldo v. U.S. Steel Corp.*, 676 F.3d 542, 547 (6th Cir. 2012) (finding 12(b)(6) dismissal is appropriate where “allegations in the complaint affirmatively show that the claim is time-barred”). Thus, the Court hereby **GRANTS** the motion and **DISMISSES with prejudice** Plaintiff’s THRA claims.

It is so **ORDERED**.

Entered this the 22nd day of October, 2014.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT