## IN THE SEVENTH JUDICIAL DISTRICT FOR THE STATE OF TENNESSEE ANDERSON COUNTY CIRCUIT COURT

CITY OF OAK RIDGE,	)	2017 JUN 21 PM2:28 FILED AC GIRCUIT COUR
PLAINTIFF,	)	
v.	) ) Dock	set No.: <u>B1LA0085</u>
JOSEPH J. LEVITT JR.,	) )	
DEFENDANT,	) )	

## ORDER OF DISMISSAL WITHOUT PREJUDICE

This cause came to be heard on June 9, 2017, upon the motion of Joseph J. Levitt Jr. (Mr. Levitt), by and through Limited Counsel, Mr. James A.H. Bell, requesting dismissal of the above-styled matter, and the Response to the Motion to Dismiss and the Motion to Amend filed by the City of Oak Ridge. After arguments of counsel, the Court makes the following findings of fact and conclusions of law:

- On October 15, 2015, the Tennessee Court of Appeals issued an Opinion in the instant case vacating a judgment of \$406,250.00 against Mr. Levitt after finding that Mr. Levitt had not been effectively added as a Defendant to the suit.
- 2. The Court of Appeals further ordered that the case be remanded to the trial court, "for further proceedings, including the filing and serving of an amended complaint or City Warrant against Mr. Levitt [.]".
- 3. On June 9, 2017, a hearing was held by the Court on a Motion to Dismiss filed by Limited Counsel, James A. H. Bell, and Motions filed by the City in Response to the Motion to Dismiss and the City's Motion to Amend to add Mr. Levitt as a Defendant in this matter. The Court, after review of the record before it, including the opinion of the Court of Appeals, found all previous claims filed against the original Defendant in this matter, Tammy Sandlin, had been dismissed.



4. The Trial Court further found that because of the dismissal of all counts against Ms. Sandlin, the only properly named Defendant in this matter, this Court is divested of jurisdiction.

5. As a result of the forgoing, the Court found that there is no properly named party against which the Plaintiff may proceed, and Mr. Levitt's Motion for dismissal is hereby granted, and the City's Motion to Amend is overruled.

6. The Court declines to find that further claims against Mr. Levitt are barred by the Statute of Limitations.

7. Accordingly, any further filings related to this matter shall be made in Oak Ridge City Court Pursuant to Tennessee Code Annotated section 16-18-302, et. seq.

PURSUANT TO THE FORGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, the motion to dismiss is here by GRANTED without prejudice. Costs shall be taxed to the City of Oak Ridge, for which execution may issue.

ENTERED this is 2 day of \_\_\_\_

Approved for Entry:

James A. H. Bell, No. 775

Limited Counsel for Mr. Joseph J. Levitt Jr.

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by permission vis email on 6/14/17

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