

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

WANDA M. EVANS,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-CV-159
)	(Phillips)
GREENFIELD SENIOR LIVING OF OAK RIDGE, LLC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

In this lawsuit, plaintiff Wanda Evans claims that she was terminated by defendant Greenfield Senior Living of Oak Ridge, LLC., in retaliation for engaging in activities protected by Title VII, in violation of 42 U.S.C. § 2000e, *et seq.*, Tenn. Code Ann. § 42-21-101, *et seq.*, and under the common law of Tennessee. Currently pending is the motion for summary judgment of defendant [Doc. 18].

Upon careful review of the record, when all facts in evidence are viewed in the light most favorable to the plaintiff, the court finds that here are multiple issues of material fact which remain to be determined including: (1) whether defendant made the decision to terminate plaintiff because she engaged in protected oppositional activity under Title VII and the Tennessee Human Rights Act; (2) whether defendant made the decision

to terminate plaintiff in violation of the Tennessee common law because she refused to allow medication assistants to assist certain residents of defendant's assisted living facility with self-administration of medications; and (3) whether defendant's stated reasons for plaintiff's termination were in fact, a pretext for retaliation against plaintiff. Accordingly, because there are genuine issues of material fact as to all of plaintiff's claims, defendant's motion for summary judgment [Doc. 18] is hereby **DENIED**. The parties will prepare the case for trial.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge