

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NANETTE LAURENCE,)
)
 Plaintiff)
) NO. 3:06-0637
 v.)
) Judge Campbell/Brown
 ANTEON & BLANCHFIELD HSP, et al.,)
)
 Defendants)

TO: CHIEF JUDGE TODD J. CAMPBELL

REPORT AND RECOMMENDATION

Presently pending before the Court is a motion by Defendant Edna O'Dell for summary judgment (Docket Entry 39). For the reasons stated below, the Magistrate Judge recommends that this motion be granted and that this Defendant be dismissed from this case with prejudice.

BACKGROUND

The Plaintiff, acting *pro se*, filed her complaint on June 26, 2006 (Docket Entry 1). Her complaint, Under Title VII of the Civil Rights Act of 1964, alleges that she was discriminated against on the basis of race. Attached to her complaint was a copy of her EEOC complaint. In this complaint she alleged that she was hired by Anteon Corporation as an Appointment Clerk and that this company was located at the Blanchfield Army Community Hospital where they were doing contract work for the hospital. She alleges that she was assigned to the credentials office and that she experienced difficulty with on-line HIPAA training. She alleges that Caucasian employees who experienced the same problems that she

had were given additional training and that although she finally finished her training, she was discharged. She alleges that she was the only African American so treated.

Anteon a/k/a General Dynamics Information Technology, Inc. filed an answer in this case (Docket Entry 20) in which they admit that they were the Plaintiff's employer.

After reviewing the pleadings, the Magistrate Judge raised with the parties a concern that the Plaintiff did not have a cause of action against any Defendant other than Anteon Corporation. The Magistrate Judge scheduled a Rule 16 hearing on February 15, 2007, to discuss this matter.

At the Rule 16 hearing, the Plaintiff admitted that she was not employed by any of the Federal Defendants and that she was solely employed by Anteon Corporation.

Subsequently the Magistrate Judge issued a Report and Recommendation recommending that the Defendant Blanchfield Hospital, Juanita Joyner, Jane Russell and Sandy Jarman be dismissed from the case with prejudice (Docket Entry 31). The Plaintiff did not respond to this Report and Recommendation and it was subsequently adopted by the District Judge (Docket Entry 36).

LEGAL DISCUSSION

The Magistrate Judge pointed out in his original consideration of this case that it appeared from the pleadings that Anteon Corporation was her sole employer and that individuals who were not the Plaintiff's employers are not subject to suit under

Title VII. *See Wathen v. General Electric Co.*, 115 F.3d 400 (6th Cir. 1997) (Docket Entry 24).

The Defendant O'Dell contends that there is no evidence that O'Dell was, or has been, the Plaintiff's employer. In citing her affidavit (Docket Entry 40, Attachment 2). Additionally, the Defendants argue that the Plaintiff failed to file an EEOC charge against O'Dell. They have attached, in support of this proposition, a copy of the EEOC charge in this matter (Docket Entry 40, Attachment 1). They are correct in that the EEOC charge mentions Anteon Corporation as her employer and does not mention O'Dell in any way.

Finally, the Defendant O'Dell has attached a statement of undisputed material facts (Docket Entry 41), to which the Plaintiff has not responded. Accordingly, the Court, under its local rules, may take the motion as unopposed and the statement of material facts as admitted. Accordingly, the Plaintiff has admitted that O'Dell was not her employer and that she worked for Anteon Corporation.

Given the state of this record, the Magistrate Judge can only conclude that the Defendant O'Dell should be dismissed from this case. That will leave the Anteon Corporation as the sole defendant in this matter and the case is under a current scheduling order.

RECOMMENDATION

For the reasons stated above, the Magistrate Judge recommends that the motion for summary judgment (Docket Entry 39) be granted and that this case be dismissed as to the Defendant O'Dell with prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from receipt of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S.Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTERED this 28th day of August, 2007.

/s/ Joe B. Brown _____
JOE B. BROWN
United States Magistrate Judge