

SUMMARY JUDGMENT MEMO

Standard:

“Summary judgment is appropriate when ‘the pleadings, depositions, answer to interrogatories, and admission on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.’” *Rye v. Women’s Care Center of Memphis, M PLLC*, 477 S.W.3d 235, 250 (Tenn. 2015) (quoting Tenn. R. Civ. Pr. 56.04).

“[W]hen the moving party does not bear the burden of proof at trial, the moving party may satisfy its burden of production either (1) by affirmatively negating an essential element of the nonmoving party’s claim or (2) by demonstrating that the nonmoving party’s evidence *at the summary judgment stage* is insufficient to establish the nonmoving party’s claim or defense.” *Id.* at 264 (emphasis in original). “[W]hen a motion for summary judgment is made [and] . . . supported as provided in [Tennessee Rule 56,]’ to survive summary judgment, the nonmoving party ‘may not rest upon the mere allegations or denials of [its] pleading,’ but must respond, and by affidavits or one of the other means provided in Tennessee Rule 56, ‘set forth specific facts’ *at the summary judgment stage* ‘showing that there is a genuine issue for trial.’” *Id.* (quotations omitted).

Complaint filed: _____ Claims: _____

MSJ filed: _____ Response to MSJ filed: _____

Documents in Support of MSJ: (depositions, affidavits, interrogatories, etc.)

Documents in Opposition to MSJ:
