

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
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RICHARD R. BOOHER, CLERK
E.U.
D.C.

DS ONE, LLC, d/b/a
THE DOG SPOT EAST NASHVILLE,

Plaintiff,

v.

JAMIE BYER [SIC] and
BARI HARDIN,

Defendants.

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Case No. 18C362

JURY DEMAND

Judge Joseph P. Binkley

**DEFENDANT HARDIN'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT
FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE
GRANTED**

Comes now Defendant Hardin, by and through counsel, and pursuant to Tenn. R. Civ. P. 12.02(6), Tenn. R. Civ. P. 10.03, and Tenn. R. Civ. P. 41.02(1), respectfully moves this Court to dismiss the Plaintiff's Complaint with prejudice for failure to state a claim upon which relief can be granted.

The Plaintiff has filed this defamation action on the basis of various Facebook comments that it claims are tortious. However, for multiple reasons, the Plaintiff's Complaint fails to state a claim upon which relief can be granted. In support of this Motion, Defendant Hardin has filed an accompanying memorandum of law and seeks:

1. The dismissal of this action with prejudice pursuant to Tenn. R. Civ. P. 12.02(6), Tenn. R. Civ. P. 10.03, and Tenn. R. Civ. P. 41.02(1);
2. Payment of Defendant Hardin's full costs and reasonable attorney's fees pursuant to Tenn. Code Ann. § 4-21-1003(a); and
3. An award of attorney's fees pursuant to Tenn. Code Ann. § 20-12-119(c).

Respectfully submitted,

By:



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Counsel for Defendant Bari Hardin

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March, 2018, a copy of the foregoing was sent via USPS, postage prepaid, and/or by e-mail to the following:

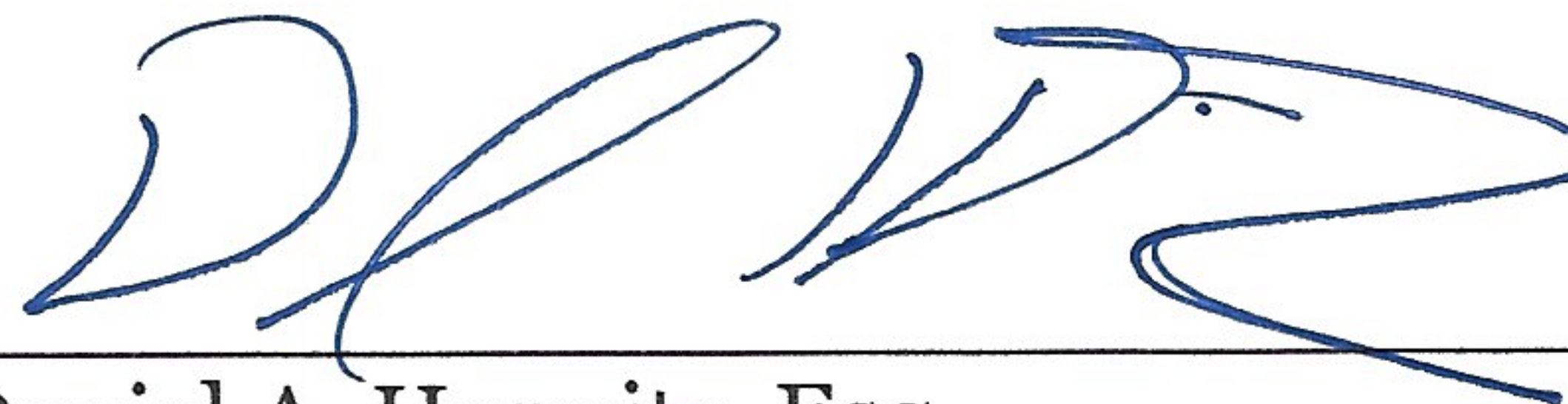
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