

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

LOREN L. CASSELL, *et al.*, )  
 )  
 Plaintiffs )  
 ) No. 3:16-2086  
 v. ) Chief Judge Crenshaw/Brown  
 ) **Jury Demand**  
 VANDERBILT UNIVERSITY, *et al.*, )  
 )  
 Defendants )

**O R D E R**

Presently pending is the Plaintiffs' motion to amend their complaint (Docket Entry 85). The parties have now filed a stipulation regarding the motion (Docket Entry 95). In their stipulation the parties point out that the proposed second amended complaint (Docket Entry 85-1) includes claims previously dismissed by the Court. The Defendants do not oppose the filing of the proposed second amended complaint, but wish to stipulate that if the second amended complaint is filed they need not answer the claims that have already been dismissed.

While the Magistrate Judge appreciates the parties' efforts to simplify this matter it would appear confusing to have a second amended complaint that contains dismissed claims to which no answer will be filed.

The motion to file an amended complaint is **GRANTED** in part and **DENIED** in part. The Plaintiff may file a second amended complaint which omits the claims previously dismissed by the Court.

It is so **ORDERED**.

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