UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JEFFREY RYAN FENTON,	)	
	)	
PLAINTIFF,	)	
	)	
v.	)	**Case No. 3:24-cv-01282**
	)	
VIRGINIA LEE STORY, et al.,	)	
	)	**JUDGE CAMPBELL**
Defendants,	)	**Magistrate Judge Holmes**
	)	

DEFENDANT BANK OF AMERICA N.A.'s MOTION TO DISMISS

NOW COMES Defendant Bank of America N.A. ("BANA") and files this Motion to Dismiss pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6). In support of this Motion, BANA states as follows:

1. While Plaintiff Jeffrey Fenton asserts three claims against BANA, he fails to allege any specific conduct or wrongdoing by BANA. Instead, Mr. Fenton merely groups BANA together with other defendants. Therefore, Mr. Fenton fails to provide adequate notice of the factual basis of his claims against BANA.

2. Even if Mr. Fenton had alleged a factual basis for his claims against BANA, all those claims are time-barred.

3. Finally, Mr. Fenton fails to plausibly plead at least one element of each claim he asserts against BANA. Therefore, his claims fail as a matter of Tennessee law and the Amended Complaint fails to state a claim against BANA for which relief can be granted.

4. In further support of this Motion, BANA relies on the arguments set forth in its supporting Memorandum of Law.

WHEREFORE, BANA respectfully requests that the Court dismiss all of Plaintiff's claims against it and award any other relief the Court deems proper.

Respectfully submitted,

/s/ Erik Halvorson
Heather Howell Wright, Esq. (BPR 030649)
Erik Halvorson, Esq. (BPR 040260)
Bradley Arant Boult Cummings, LLP
ONE 22 ONE
1221 Broadway, Suite 2400
Nashville, Tennessee 37203
Telephone: (615) 252-2342
Facsimile: (615) 252-6342
hwright@bradley.com
ehalvorson@bradley.com

Attorneys for Defendant Bank of America, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will serve the parties to this litigation. The following parties were served via U.S. Mail, First Class, Postage Prepaid:

Jeffrey Ryan Fenton
17195 Silver Parkway #150
Fenton, MI 48430
Pro se Plaintiff

Thomas E. Anderson
1187 Old Hickory Blvd., Ste. 125
Brentwood, TN 37027
Pro se Defendant

/s/ Erik Halvorson
Erik Halvorson