IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JEFFREY RYAN FENTON,	)	
	)	
Plaintiff,	)	
	)	**Case No. 3:24-cv-01282**
v.	)	**JUDGE WILLIAM L. CAMPBELL, JR.**
	)	**Magistrate Judge Barbara D. Holmes**
VIRGINIA LEE STORY, *et al.*,	)	
	)	**JURY DEMAND**
Defendants.	)	
	)	
	)	
	)	

DEFENDANT CADENCE BANK'S OPPOSITION TO RULE 59 MOTION TO ALTER JUDGMENT OR FOR A NEW TRIAL

Defendant Cadence Bank, by and through its undersigned counsel, files this response in opposition to Plaintiff's Rule 59 Motion to Alter Judgment or for a New Trial (Dkt. 238).

On March 26, 2025, the Court issued a Memorandum of Opinion and Order that granted various Defendants' motions to dismiss pursuant to Rule 12(b)(6) and dismissed Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). *See* Dkt. 236 at 13. Among the Motions to Dismiss specifically listed was Cadence Bank's Motion to Dismiss (Dkt. 169), which had been pending since November 15, 2024. *See* Dkt. 236 at 13 n.3.

Plaintiff has filed a Rule 59 Motion to Alter the Judgment. *See* Dkt. 238. None of Plaintiff's arguments, however, adequately refute the grounds for dismissal that Cadence Bank raised in its Motion (Dkt. 169) or on which the Court based its dismissal (Dkt. 236). Nor does Plaintiff show that the Rule 59 standards for reconsideration have been met. Plaintiff's disagreement with the result is an insufficient basis for reversal.

For these reasons, Cadence Bank respectfully requests that the Court deny Plaintiff's Rule 59 Motion to Alter Judgment or for a New Trial with respect to Cadence Bank.

Dated: May 7, 2025

Respectfully submitted,

/s/ Kimberly M. Ingram-Hogan

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of DEFENDANT CADENCE BANK'S OPPOSITION TO RULE 59 MOTION TO ALTER JUDGMENT OR FOR A NEW TRIAL was served on the following via the following methods of service on May 7, 2025:

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