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 MOTION TO DISMISS ALL OF PLAINTIFF'S CLAIMS AGAINST IT WITH PREJUDICE

Defendant Cadence Bank moves under Federal Rules of Civil Procedure 9(b) and 12(b)(6) to dismiss the claims that Plaintiff Jeffrey Ryan Fenton asserts against Cadence Bank with prejudice. In support, Cadence Bank would show the Court as follows:

1. All of Plaintiff's claims against Cadence Bank are time-barred.

2. Plaintiff's claims also fail on the merits. As a threshold matter, Plaintiff does not sufficiently distinguish among the thirty-four Defendants with respect to the allegations underlying the claims against Cadence Bank nor does he otherwise identify any specific wrongdoing by Cadence Bank. Thus, Plaintiff fails to provide adequate notice of the factual basis of Plaintiff's claims against Cadence Bank.

3. Moreover, Plaintiff fails to plausibly plead at least one essential element of each claim against Cadence Bank. Fenton's intentional infliction of emotional distress claim fails because the alleged conduct was not outrageous within the meaning of Tennessee law, was not plausibly alleged to be intentional or reckless, and was not the alleged cause of the type of severe

mental harm required to state a claim. Fenton also fails to state a negligent infliction of emotional distress claim against Cadence Bank because he does not plausibly allege that Cadence Bank owed him a duty, that he suffered severe emotional injury, that the alleged conduct was outrageous, or that Cadence Bank caused his alleged injury at all. Nor does Fenton plausibly allege fraud because he fails to allege that Cadence Bank made an intentional misrepresentation of material fact, fails to identify any such misrepresentation with particularity, and fails to allege that he relied on any representation. Likewise, for his fraudulent concealment claim, Fenton fails to identify any fact Cadence Bank allegedly concealed and fails to explain why Cadence Bank would owe him a duty to disclose any such fact. Finally, Fenton fails to state a conspiracy claim against Cadence Bank because he does not adequately allege that Cadence Bank knowingly agreed with any other defendant to defraud Fenton or that it undertook an overt act in furtherance of the alleged conspiracy.

4. Cadence Bank submits the accompanying brief in support of these arguments.

WHEREFORE, Cadence Bank respectfully asks the Court to dismiss all of Plaintiff's claims against Cadence Bank with prejudice. Cadence Bank also prays for such other and further relief to which it may show itself justly entitled.

Dated: November 15, 2024

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 MOTION TO DISMISS ALL OF PLAINTIFF'S CLAIMS AGAINST IT was served on the following via the following methods of service on November 15, 2024:

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