IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
EASTERN GRAND DIVISION

FILED
APR 28 2009
Tennessee Claims Commission
CLERK'S OFFICE

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LAURA PAULINE SEAL,	}	
as personal representative of	}	
Estate of Kenneth D. Sea,	}	
	}	
Claimant,	}	
	}	
v.	}	**Claims Commission No. 20080016**
	}	
STATE OF TENNESSEE,	}	
	}	
Defendant.	}	

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ORDER GRANTING MOTION FOR JUDGMENT ON THE PLEADINGS

The defendant State of Tennessee has filed a Motion for Judgment on the Pleadings in this case.

Previously, the defendant has voluntarily dismissed her claim for damages under the tort theory originally alleged in her claim.

Subsequently, on March 3, 2009, a hearing was held regarding claimant's remaining claim alleging breach of contract. At that time, claimant's counsel detailed his extensive efforts to locate a written contract between Hancock County and the State of Tennessee regarding autopsy services to be preformed at the Quillen-Dishner College of Medicine at East Tennessee State University. Claimant's counsel represented that despite his efforts, no written contract was ever located. Accordingly, the Commission dismissed the contract claim set out in this case since claimant could produce no written contract as required by Tennessee Code Annotated, Section 9-8-307(a)(1)(L).

It appears that since both claimant's tort and contract theories, as alleged in her claim, are not viable and that there are no other theories alleged

in that claim, this matter must be **DISMISSED** and therefore the defendant State's Motion for Judgment of the Pleading is **GRANTED.**

This 24th day of April, 2009.

William O. Shults, Commissioner
P.O. Box 960
Newport, TN 37822-0960
423-613-4809

CERTIFICATE

I certify that a true and exact copy of the foregoing Order has been transmitted to:

Tony G. Lee, Esq.
505 Tusculum Blvd.
Greeneville, TN 37745

Mary M. Bers, Esq.
Senior Counsel
P.O. Box 20207
Nashville, TN 37202-0207

This the 24th day of April, 2009.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has this date been forwarded by first class postage to:

Mary Bers
Attorney General's Office
P. O. Box 20207
Nashville, Tennessee 37202

Tony G Lee, Jr., Attorney
505 Tusculum Blvd.
Greeneville, Tennessee 37745

This 28th day of April, 2009.

Marsha Richeson

MARSHA RICHESON, CLERK
Tennessee Claims Commission