

IN THE FIFTH CIRCUIT COURT OF DAVIDSON COUNTY  
NASHVILLE, TENNESSEE

FILED  
2004 AUG 27 AM 11:31  
RICHARD R. JOHNSON  
CLERK

DOROTHY BALLANTINE, et al., )  
)  
Plaintiffs, )  
)  
vs. )  
)  
THE TERMINIX INTERNATIONAL )  
COMPANY, L.P., et al., )  
)  
Defendants. )

NO. 94C-3300 (Consolidated with  
Nos. 95-C-813 and 98C-836)

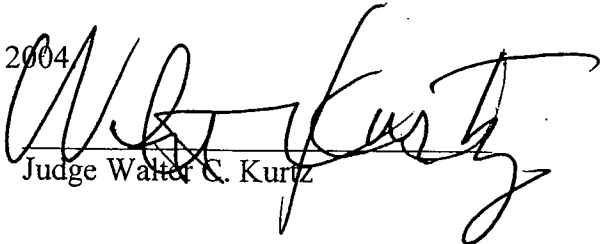
*Notice of Entry Requested*

**ORDER**

On August 20, 2004, the motion of defendants for summary judgment filed on July 13, 2004, came for hearing before the Honorable Walter C. Kurtz, Circuit Judge. In this motion, defendants sought a summary judgment dismissing plaintiffs' claims in their entirety because plaintiffs cannot dispute with admissible evidence defendants' assertion that defendants did not cause plaintiffs alleged injuries. In response, plaintiffs moved to reconsider this Court's ruling on June 24, 2004, in which the Court granted defendants' motion to exclude plaintiffs expert witness testimony under Tenn. R. Evid. 702. Further, plaintiffs <sup>WCK</sup> ~~basically~~ admitted that without expert witness testimony on causation, plaintiffs could not oppose defendants' motion. Upon consideration of the motion, the materials submitted in support of the motion, and plaintiffs' written and in-court responses thereto, and for the reasons stated on the record in open court,

IT IS HEREBY ORDERED ADJUDGED AND DECREED that defendants' motion for a summary judgment that plaintiffs cannot prove that defendants caused the injuries claimed by plaintiffs is GRANTED.

Entered this the 27 day of August, 2004.

  
Judge Walter C. Kurtz