

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FRANCIS J. SAVARIRAYAN,)	
)	
Plaintiff,)	
)	Case No. 10-CV-04723
v.)	
)	Honorable William T. Hart
NEIL A. BRUNETZ, J.D., ET AL.,)	
)	Magistrate Judge Young B. Kim
Defendants.)	

**MOTION OF BLUECROSS BLUESHIELD OF TENNESSEE, INC. TO DISMISS
FOR LACK OF PERSONAL JURISDICTION, STATUTE OF LIMITATIONS, RES
JUDICATA, AND IMPROPER VENUE**

Pursuant to Rules 12(b)(2), 12(b)(3) and 12(b)(6) of the Federal Rules of Civil Procedure, BlueCross BlueShield of Tennessee, Inc. (“BCBST”) respectfully moves the Court for an order dismissing the First Amended Complaint in this action. This Court is without personal jurisdiction over BCBST, a Tennessee corporation with only limited or fortuitous contact with Illinois. The claims asserted by the Plaintiff, Dr. Francis J. Savarirayan, are also barred by the statute of limitations under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-(5)(e)(1), because he failed to timely file a charge with the EEOC, and by res judicata, because he has previously litigated the claims to a final judgment on the merits in both state and federal courts in Tennessee. In addition, venue is not proper in this district under 42 U.S.C. § 2000e-5(f)(3). For the foregoing reasons, BCBST respectfully requests that this Court grant its motion and dismiss Dr. Savarirayan’s complaint with prejudice.

A memorandum of law in support of this motion is filed herewith.

Dated: January 14, 2011

BlueCross BlueShield of Tennessee, Inc.

By: s/ Jared R. Cloud
One of its Attorneys
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CERTIFICATE OF SERVICE

I, Jared R. Cloud, an attorney, certify that I electronically filed a copy of the foregoing Motion of BlueCross BlueShield of Tennessee, Inc. to Dismiss for Lack of Personal Jurisdiction, Statute of Limitations, Res Judicata, and Improper Venue, using the ECF (electronic case filing) system, which sent notification to the following on January 14, 2011:

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and by depositing in the U.S. Mail, postage prepaid from 227 W. Monroe St., Chicago, IL 60606

and served upon:

Francis J. Savarirayan
14826 South Penn Road
Plainfield, IL 60544
931-544-0077

this 14th day of January, 2011.

/s/ Jared R. Cloud _____

Jared R. Cloud