

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

BARRINGTON BOYD,)	
)	Civil Action No. 3:17-cv-00224
)	
Plaintiff)	PLAINTIFF’S MOTION FOR
)	PARTIAL SUMMARY
v.)	JUDGMENT
)	
TEACHERS INSURANCE AND)	
ANNUITY ASSOCIATION OF)	
AMERICA; TIAA-CREF INDIVIDUAL)	
& INSTITUTIONAL SERVICES, LLC)	
)	
Defendant)	

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff Barrington Boyd (“Plaintiff” or “Mr. Boyd”), by and through his undersigned counsel, respectfully requests that this Court enter an order granting him partial summary judgment in his favor on his breach of contract claim against Defendants Teachers Insurance and Annuity Association of America and TIAA-CRED Individual & Institutional Services, LLC (collectively “Defendants” or “TIAA”).

As explained more fully in the Memorandum of Law in Support of Plaintiff’s Motion for Partial Summary Judgment, filed contemporaneously herewith and incorporated by reference here, the undisputed facts of this case demonstrate that Plaintiff entered into a valid agreement with TIAA, which TIAA then breached. Because there is no genuine dispute of material fact as to this claim, summary judgment is appropriate and the trial on this claim should be limited to the question of Plaintiff’s damages.

In addition to the Memorandum of Law, Plaintiff submits, in support of this motion, the Second Declaration of Kristen E. Finlon and accompanying exhibits.

WHEREFORE, based upon the foregoing and for the reasons stated in the accompanying Memorandum of Law, Plaintiff respectfully moves this Court to enter an order granting his Motion for Partial Summary Judgment.

Respectfully submitted,

This the 1st day of August, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT** has this date been electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the Defendants' counsel of record as follows:

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This the 1st day of August, 2018.

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