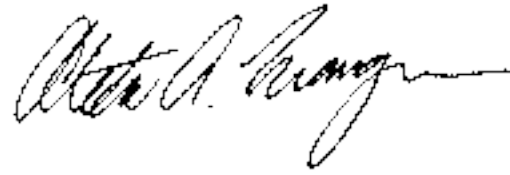


IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

Motion GRANTED



JOHN C. MCLEMORE, )  
Plaintiff )  
 )  
 )  
v. )  
 )  
REGIONS BANK, as Successor in Interest )  
By Merger to AmSouth Bank, and MID- )  
ATLANTIC CAPITAL CORPORATION, )  
Defendants. )

Civil No. 3:08-0021  
Judge Trauger  
Magistrate Judge Bryant

MOTION OF THE SECRETARY OF LABOR TO PARTICIPATE AS AMICUS  
CURIAE IN SUPPORT OF PLAINTIFF’S OPPOSITION TO DEFENDANTS’  
MOTIONS TO DISMISS

Elaine L. Chao, Secretary of the United States Department of Labor ( the  
“Secretary”) hereby moves this Court for permission to participate as amicus curiae in  
support of Plaintiff’s, John C. McLemore (“McLemore” or the “Trustee”), opposition to  
Defendants’ Motions to Dismiss and states:

1. The Secretary seeks permission to participate as amicus curiae in the above  
referenced case with respect to the pending motions to dismiss the Trustee’s complaint  
against Regions Bank, as Successor in Interest by Merger to AmSouth Bank (“Regions”)  
and Mid-Atlantic Capital Corporation (“MACC”). The Secretary has primary authority to  
interpret and enforce the provisions of Title I of ERISA. See Secretary of Labor v.  
Fitzsimmons, 805 F. 2d 682, 692-93 (7<sup>th</sup> Cir. 1986) (Secretary’s interests include  
promoting the uniform application of the Act, protecting plan participants and  
beneficiaries, and ensuring the financial stability of plan assets)(en banc). Therefore, the  
Secretary has a strong interest, both with regard to her own litigation and private