

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EUGENE KLINE, et al.,	:	
	:	
Plaintiffs,	:	Case No. 3:08cv408
	:	
vs.	:	JUDGE WALTER HERBERT RICE
	:	
MORTGAGE ELECTRONIC SECURITY SYSTEMS, et al.,	:	
	:	
Defendants.	:	

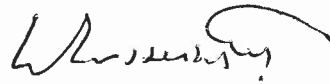
DECISION AND ENTRY ADOPTING REPORT AND
RECOMMENDATIONS OF MAGISTRATE JUDGE (DOC. #228);
DECISION AND ENTRY SUSTAINING MOTION TO DISMISS FILED BY
DEFENDANT COUNTRYWIDE HOME LOAN SERVICING, LP
(DOC. #183)

In a Report and Recommendations (Doc. #228) filed on February 17, 2011, United States Magistrate Judge Sharon Ovington recommended that this Court sustain the Motion to Dismiss (Doc. #183) filed by Defendant Countrywide Home Loans Servicing, LP ("Countrywide").¹

¹Therein, Judge Ovington explained that, although Countrywide captioned its motion as one for judgment on the pleadings, its memorandum in support of that motion seeks dismissal of the claims asserted against it. Therefore, this Court will follow the convention adopted by the Magistrate Judge and refer to Countrywide's motion as one to dismiss.

The parties were given until March 7, 2011, in which to submit objections to that judicial filing, and none have been submitted. In accordance with 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure, this Court has conducted a de novo review of Countrywide's motion and the parties' papers pertaining thereto. Based upon that review, this Court agrees with the conclusion reached by Judge Ovington, that the claims of Plaintiff Jon Shayne Jones, under the Ohio Consumer Sales Practices Act ("OCSPA"), Ohio Revised Code § 1345.01 et seq.; and for breach of contract and unjust enrichment under the common law of Ohio are barred by the doctrine of claim preclusion. Accordingly, the Court adopts the Report and Recommendations (Doc. #228) of the Magistrate Judge and sustains Countryside's Motion to Dismiss (Doc. #183) those claims.

March 24, 2011



WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT

Copies to:

Counsel of Record.