

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

**File Name: 08a0584n.06**

**Filed: September 30, 2008**

**No. 07-6186**

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

ELAM & MILLER, P.S.C.,	)	
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	ON APPEAL FROM THE UNITED
	)	STATES DISTRICT COURT FOR THE
NATIONAL CITY BANK OF KENTUCKY;	)	EASTERN DISTRICT OF KENTUCKY
et al.,	)	
	)	
Defendants,	)	
	)	
CONSOLIDATED MORTGAGE, INC.,	)	
	)	
Defendant-Appellant.	)	

Before: MARTIN, ROGERS, and SUTTON, Circuit Judges.

**ROGERS**, Circuit Judge. Defendant Consolidated Mortgage, Inc. appeals the district court’s order substituting Elam & Miller, P.S.C. as the plaintiff in this case and the district court’s order granting Elam & Miller’s motion for summary judgment. After reviewing the record, the parties’ briefs, and the applicable law, this court affirms the district court’s decision for the reasons stated in Judge Coffman’s summary judgment opinion and order. *Elam & Miller, P.S.C. v. National City Bank of Ky.*, No. 04-239-JBC, 2007 WL 2702332 (E.D. Ky. Sept. 12, 2007). The district court

*No. 07-6186*

*Elam & Miller, P.S.C. v. National City Bank of Kentucky, et al.*

properly substituted Elam & Miller as the plaintiff in this case and granted summary judgment in favor of Elam & Miller. The judgment of the district court is **AFFIRMED**.