

United States Court of Appeals  
For the Eighth Circuit

---

No. 17-1151

---

Elena D. Ruzicka,

*Plaintiff - Appellant,*

v.

JPMorgan Chase Bank, N.A.,

*Defendant - Appellee.*

---

Appeal from United States District Court  
for the District of Minnesota - Minneapolis

---

Submitted: December 6, 2017

Filed: December 11, 2017

[Unpublished]

---

Before WOLLMAN, LOKEN, and COLLOTON, Circuit Judges.

---

PER CURIAM.

Minnesota resident Elena Ruzicka appeals the district court's<sup>1</sup> adverse grant of summary judgment in this diversity action challenging the legality of the foreclosure and sheriff's sale of her home. Upon de novo review, *see Beaulieu v. Ludeman*, 690 F.3d 1017, 1024 (8th Cir. 2012), we affirm. Specifically, we agree with the district court that Ruzicka's evidence failed to create a genuine issue of material fact regarding Chase's compliance with Minn. Stat. § 580.041, subd. 1b, which requires that the mortgage-holder deliver a specified foreclosure-advice notice with every written communication to the mortgagor, up to the time of a foreclosure sale. We also agree with the district court that Ruzicka could not prevail on her breach-of-contract claim, as the summary judgment record would not permit the conclusion that Chase's alleged breach of the mortgage agreement caused Ruzicka to suffer any economic damages that would not have otherwise occurred. *See Gen. Mills Operations, LLC v. Five Star Custom Foods, Ltd.*, 703 F.3d 1104, 1107 (8th Cir. 2013).

Accordingly, we affirm the judgment, and we deny the pending motion. *See* 8th Cir. R. 47B.

---

<sup>1</sup>The Honorable Janie S. Mayeron, United States Magistrate Judge for the District of Minnesota, now retired, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).