

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

STEVEN THOMASON,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:12cv604-MHT
)	(WO)
ONE WEST BANK, FSB,)	
et al.,)	
)	
Defendants.)	

JUDGMENT

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) Plaintiff's objections (doc. no. 111) are overruled, except to the extent set forth in the opinion entered today.

(2) Defendants' objections (doc. nos. 109 & 110) are overruled with leave to renew the arguments at the summary-judgment stage.

(3) The United States Magistrate Judge's recommendation (doc. no. 108) is adopted, with the

exception set forth in the opinion entered today.

(4) Defendants' motions to dismiss (doc. nos. 93, 94, & 99) are granted in part, without prejudice, and denied in part, as follows:

(a) The motions to dismiss are denied as to plaintiff's claims pursuant to the Real Estate Settlement Procedures Act, 12 U.S.C § 2601.

(b) The motions to dismiss are granted as to plaintiff's claims brought pursuant to the Equal Credit Opportunity Act, 15 U.S.C. § 1691(a); the Fair Debt Collection Practices Act, 15 U.S.C. § 1692a; the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962 and 18 U.S.C. § 1341; and the Alabama Deceptive Trade Practices Act, 1975 Ala. Code §§ 8-19-1 et seq.

(c) The motions to dismiss are denied as to plaintiff's claims brought pursuant to 42 U.S.C. §§ 1981 & 1982.

(d) The motions to dismiss are granted as to plaintiff's claims under the Fair Housing Act, 42

U.S.C. § 3605, with respect to the loan origination proceedings.

(e) The motions to dismiss are denied as to plaintiff's claims under the Fair Housing Act, 42 U.S.C. § 3605, with respect to any loan modification proceedings occurring after March 3, 2013.

(5) Plaintiff's motion for leave to amend the complaint (doc. no. 98) is denied without prejudice.

(6) Defendant Eva Bank's motion to strike affidavit (doc. no. 104) is granted to the extent it requests the court disregard the affidavit (doc. no. 102-1) attached to plaintiff's response brief (doc. no. 102).

(7) Plaintiff's motion for leave to file an affidavit and motion for summary judgment (doc. no. 105) are denied without prejudice.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is not closed, and is referred back to

the magistrate judge for further proceedings.

DONE, this the 22nd day of March, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE