

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LEHMAN BROTHERS HOLDINGS, INC.,	*	
	*	
Plaintiff,	*	
	*	
vs.	*	No. 4:10CV002012 SWW
	*	
NATIONAL BANK OF ARKANSAS IN	*	
NORTH LITTLE ROCK,	*	
	*	
Defendant.	*	

Order

Before the Court is defendant's motion for reconsideration to which plaintiff responded. Defendant filed a reply to plaintiff's response. The Court finds the motion should be denied.

In an order dated June 25, 2012, the Court found that in 2006 plaintiff demanded that defendant repurchase the Olt loan, that defendant's failure to repurchase was an independent breach, and that plaintiff's claim was not time barred under the six-year statute of limitations. Defendant asserts plaintiff had no right in 2006 to demand repurchase because it did not receive an assignment of rights to bring a claim until 2011. Defendant argues that even assuming that an independent breach occurred when it failed to repurchase the Olt loan upon plaintiff's demand in 2006, that demand does not extend the statute of limitations which began to run in 2003 when the loan was sold.

The Court finds that under the 2011 Assignment Agreement, plaintiff assumed all the rights of its assignor, including the right to pursue a claim for defendant's refusal in 2006 to repurchase the Olt loan.

IT IS THEREFORE ORDERED that the motion for reconsideration [docket entry 72] is denied.

DATED this 23rd day of July, 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE