Evans v. JP Morgan Chase Bank, N.A. et al Doc. 53

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

BARBARA V. EVANS PLAINTIFF

V. CIVIL NO. 1:12-cv-1038

JP MORGAN CHASE BANK, N.A.;
et al. DEFENDANTS

ORDER

Before the Court is a Motion for Summary Judgment (ECF No. 37) filed on behalf of Plaintiff Barbara V. Evans ("Evans") and a Cross Motion for Summary Judgment (ECF No. 41) filed on a behalf of Defendants JP Morgan Chase Bank, N.A ("JP Morgan"); EMC Mortgage LLC f/k/a EMC Mortgage Corporation ("EMC"); Bank of America, N.A. ("Bank of America"); and Deutsche Bank National Trust Company ("Deutsche Bank"). Plaintiff has responded. (ECF No. 46). Defendants have replied. (ECF No. 51).

Upon consideration, for the reasons discussed in the Memorandum Opinion of even date, Plaintiff's Motion for Summary Judgment (ECF No.37) and Defendants' Cross Motion for Summary Judgment (ECF No. 41) are **GRANTED IN PART** and **DENIED IN PART** as follows. As to Plaintiff's civil contempt claim, the Court awards Plaintiff attorneys' fees to the date of this Order. Plaintiff should produce an affidavit from her attorneys of expenses incurred within seven (7) days of the date of this Order. As to Plaintiff's claim for a violation of Ark. Code Ann. § 18-80-104, the Court awards Plaintiff $25,400 for Defendants' violations. After the reasonable attorneys' fees are determined, the Court will enter a judgment. Plaintiff's claim for breach of contract is **DISMISSED WITH PREJUDICE**. Plaintiff's claim for slander of title is **DIMISSED WITH PREJUDICE**. Plaintiff's conversion claim is **DISMISSED WITH**

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PREJUDICE. Plaintiff's ADTPA claim is **DISMISSED WITH PREJUDICE.** Plaintiff's gross negligence claim is **DISMISSED WITH PREJUDICE.**

IT IS SO ORDERED, this 3rd day of February, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge