

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

J. CHRIS BROWN

PLAINTIFF

v.

No. 2:13-CV-02196

CITIBANK, N.A.

DEFENDANT

OPINION AND ORDER

Currently before the Court are Defendant Citibank, N.A.'s ("Citibank") motion for summary judgment (Doc. 14), Plaintiff J. Chris Brown's response (Doc. 17), and the parties' supporting documents. Having reviewed the parties' submissions on the issue of summary judgment, the Court concludes that there exist genuine issues of material fact including, but not limited to, whether Citibank and/or its loan servicer refused Brown's attempted payments on the note and, if so, whether such refusal was warranted under the circumstances and terms of the note. Because this fact issue, among others, remains in contention, either summary judgment or a declaratory judgment on the current record is inappropriate.

IT IS THEREFORE ORDERED that Citibank's motion for summary judgment (Doc. 14) is DENIED, and this case will proceed to bench trial commencing on Tuesday, January 20, 2015.

IT IS SO ORDERED this 7th day of January, 2015.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE