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8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA
 10 SACRAMENTO DIVISION

11 HSIN-SHAWN C. SHENG,
 12 Plaintiff,
 13 v.
 14 SELECT PORTFOLIO SERVICING, INC.,
 15 Defendants.

Case No. 2:15-CV-0255- JAM-KJN
 ORDER GRANTING DEFENDANT
 SELECT PORTFOLIO SERVICING,
 INC.'S MOTION FOR SUMMARY
 JUDGMENT

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1 ORDER

2 Defendant Select Portfolio Servicing, Inc.'s ("SPS") Motion for Summary Judgment came
3 on for hearing before this Court on February 21, 2017, at 1:30 p.m. in Department 6 before the
4 Honorable John A. Mendez. All appearances were noted in the Court record.

5 The Court, having reviewed the Motion for Summary Judgment moving and opposition
6 papers, and having considered the arguments of counsel, hereby GRANTS the Motion for
7 Summary Judgment for the following reasons stated on the record:

8 "THE COURT: All right. The matter having been submitted to the
9 Court, the Court is prepared to enter a summary judgment in favor of the
10 defendants on both claims that are remaining on the HBOR claim. The
11 Court finds that, as a matter of law, the plaintiff has not created a triable
12 issue of fact as to the necessary element of harm or damages. And, as a
13 matter of law, the Court concludes that she cannot go forward with the
14 claim, and that she has not demonstrated sufficient harm.

15 There is not, again, even sufficient evidence that there is a genuine
16 issue of material fact as to her ability to establish harm, prejudice, or
17 damage that's necessary to maintain her HBOR claim.

18 On the negligence claim, the Court reaches the same conclusion
19 that, as a matter of law, there is no basis for submitting this claim to the
20 jury given that plaintiff has not and cannot marshal[] any evidence
21 whatsoever of the type of harm or damages that would be awardable under
22 a negligence claim.

23 She has not paid any fees or mortgage on this home since 2009.
24 She has not suffered, in any way, any monetary damages. In fact, the
25 undisputed facts clearly show that she in many ways has benefited from
26 seven years of no mortgage payments.

27 She still has the house. There's been no foreclosure on the house.
28 She's also failed to show any physical manifestation of any alleged stress

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regarding her interactions with SPS. And, again, having to retain and hire a lawyer is not a recoverable damage in a negligence claim.

Given that she's failed to demonstrate that SPS has damaged her, none of her claims can, as a matter of law, go to the jury, and the Court grants summary judgment in full for the defendants.”

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. Defendants’ Motion for Summary Judgment is GRANTED in its entirety. The Clerk of the Court is hereby ordered to enter Judgment in SPS’s favor, against Plaintiff Hsin-Shawn C. Sheng.

IT IS SO ORDERED.

Dated: 3/17/2017

/s/ John A. Mendez
United States District Court Judge