

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 01-cv-01644-REB-CBS

CARTEL ASSET MANAGEMENT, a Colorado corporation,

Plaintiff,

v.

OCWEN FINANCIAL CORPORATION, a Florida corporation;
OCWEN FEDERAL BANK FSB, a subsidiary of OCWEN FINANCIAL CORPORATION
and
OCWEN LOAN SERVICING, LLC,

Defendants.

**ORDER DENYING DEFENDANTS' MOTIONS FOR
ENTRY OF JUDGMENT UNDER RULE 50(a)**

Blackburn, J.

The matter is before me on the motions for the entry of judgment as a matter of law under Fed. R. Civ. P. 50(a) made by defendants at the close of plaintiff's case in chief and renewed at the close of the evidence. I credit defendants and plaintiff with all reasons stated, arguments advanced, and authorities cited by them during oral argument during the trial and in their subsequent briefs. I deny the motions.

I took the motions under advisement and submitted the action to the jury, subject to my subsequent determination of the legal questions raised by the motions. See Fed.R.Civ.P. 50(b) ("If the court does not grant a motion for judgment as a matter of law made under Rule 50(a), the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion.") Based on my consideration of all competent and relevant evidence – both direct and

circumstantial – as that evidence existed at the conclusion of plaintiff’s case in chief and again at the close of the evidence, I find and conclude as follows:

1. That none of the evidence is incredible as a matter of law;
2. That genuine issues of material fact existed at the conclusion of plaintiff’s case in chief and again at the close of the evidence concerning plaintiff’s claims for damages for unjust enrichment (and concomitant claim for punitive damages);
3. That there was a legally sufficient evidentiary basis for a reasonable jury to find in favor of plaintiff on its claim for damages; and
4. That defendants are not entitled to judgment as a matter of law on plaintiff’s claim for damages.

THEREFORE, IT IS ORDERED that the motions for the entry of judgment as a matter of law under Fed. R. Civ. P. 50(a) made by defendants at the close of plaintiff’s case in chief and renewed at the close of the evidence are **DENIED**.

Dated October 4, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge