

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-02224-RPM

RONI LEVINE,

Plaintiff,

v.

COUNTRYWIDE FINANCIAL CORPORATION, d/b/a COUNTRYWIDE BANK, FSB,

Defendant.

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ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

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On September 15, 2009, the defendant filed a motion for summary judgment seeking dismissal of all of the plaintiff's claims for relief. The motion is supported by the affidavit of Joann Mahoney, with attached reports of the employees of the defendant in the Cherry Creek Financial Center concerning the incidents involving Roni Levine between November 6, 2006 and November 17, 2006 and setting forth the standard business practices of the defendant. Also attached are excerpts from the plaintiff's deposition transcript. Counsel for the plaintiff filed a response on October 14, 2009, repeating the allegations of the complaint in a summary fashion with conclusory comments concerning the legal sufficiency of the claims as pleaded. The plaintiff has submitted no evidentiary support for his claims and therefore has not complied with requirements of Fed.R.Civ.P. 56. At best, the Court may infer from the pleadings that Mr. Levine was frustrated by what he considered to be an unreasonable bureaucratic response to his request for transfer of funds from his wife's account. What is clear, however, is that his actions were unreasonable and disproportionate and gave the defendant's employees a

reasonable fear for their safety. The conduct of the police officer in responding is not the responsibility of the defendant and his treatment of the plaintiff's wife is not actionable by the plaintiff. It is now

ORDERED that the defendant's motion for summary judgment is granted and this civil action is dismissed with prejudice. It is

FURTHER ORDERED that the defendant's request for attorney fees under Fed.R.Civ. P. 11 is denied for the failure to comply with the requirements of that rule. Additionally, the request made under C.R.S. §13-17-102 will be denied because that statute is not applicable in this removed action.

Dated: March 29<sup>th</sup> , 2010

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge