

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 09-cv-02677-WYD-MJW

SONYA C. ROBISON,

Plaintiff,

v.

LITTON LOAN SERVICING, L.P.;
DEUTSCHE BANK NATIONAL TRUST COMPANY, a/k/a DEUTSCHE BANK TRUST
COMPANY AMERICAS, as TRUSTEE FOR THE HOLDERS OF FINANCE AMERICA
MORTGAGE LOAN TRUST 2003-1,
ASSET BACKED CERTIFICATES, SERIES 2003-1;
FINANCE AMERICA, LLC, d/b/a FinAm, LLC and its SUCCESSORS AND ASSIGNS;
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.;
PUBLIC TRUSTEE OF EL PASO COUNTY; and
All Unknown Persons Who Claim Any Interest in the Subject Matter of this Action,

Defendants.

ORDER TO REMAND

THIS MATTER is before the Court on the parties' Final Trial Conference, held on September 7, 2011.

By way of background, I note that this case involves Plaintiff's challenge to foreclosure proceedings initiated by Defendant Deutsche Bank on March 26, 2009, in El Paso County District Court, Case No. 2009CV3621 pursuant to C.R.S. § 38-38-101 (the "Rule 120 foreclosure proceeding"). On August 27, 2009, Plaintiff filed a separate action in El Paso County District Court, Case No. 2009CV5546, seeking dismissal of the Rule 120 foreclosure proceeding and an adjudication of the rights of all parties to this

action with respect to the Property. On November 16, 2009, Defendants filed a Notice of Removal in this Court. In the Notice, Defendants contend that jurisdiction was appropriate pursuant to 28 U.S.C. § 1332 because this is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000. On August 4, 2010, the Rule 120 foreclosure proceeding was dismissed, without prejudice. In an Order entered March 29, 2011, I dismissed as moot all of Plaintiff's claims challenging the validity of the Rule 120 foreclosure proceeding. The only claims remaining in the case are Plaintiff's state law claims for trespass, invasion of privacy, and violation of Colorado's law concerning unfair and deceptive trade practices against Defendant Litton and Defendant Deutsche Bank.

At the Final Trial Conference, Plaintiff requested that I remand this case to state court. Defendants stated they have no objection to remand based on Plaintiff's affirmation that the amount in controversy is no longer satisfied. In addition, Defendants agreed not to assert an affirmative defense based on the applicable statutes of limitation following remand. Finally, the parties agreed that they would not seek attorneys' fees and costs associated with remand of the case.

Therefore, for the reasons set forth herein, it is hereby

ORDERED that the Clerk of Court shall **REMAND** this action to the El Paso County District Court, State of Colorado, from which the case was removed. It is

FURTHER ORDERED that the parties shall bear their own costs and attorneys' fees associated with remand.

Dated: September 7, 2011

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge