

IN THE UNITED STATES COURT  
FOR THE DISTRICT OF IDAHO

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STEWART TITLE GUARANTY  
COMPANY, a Texas Corporation,

Plaintiff,

vs.

CREDIT SUISSE, Cayman Islands Branch,

Defendant.

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MEMORANDUM AND ORDER  
ON PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT

Case No. 1:11-CV-00227-BLW

Before the Court is Stewart Title Guaranty Company's ("Stewart Title's") Motion for Summary Judgment. A hearing was held before the Court in Boise on August 18, 2014. Stewart Title was represented by Steven B. Andersen and Thomas A. Banducci. Credit Suisse, Cayman Islands Branch ("Credit Suisse") was represented by Stephen E.W. Hale, Rita Cornish and James Martin. Having considered the parties' arguments, the relevant facts and law, the Court issues the following order denying Stewart Title's Motion for Summary Judgment.

Stewart Title moved the Court for summary judgment on Credit Suisse's Counterclaims asserting that Credit Suisse lacks standing. In order for Credit Suisse to satisfy its constitutional

standing requirement, it must prove it suffered an “injury in fact” which is “concrete and particularized” harm to a “legally protected interest.” *Sprint Communications Co., L.P. v. APCC Svcs, Inc.*, 554 U.S. 269 (2008)(quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)). At the hearing, given the unique circumstances of this case, the Court ordered Credit Suisse to supplement the record with evidence supporting its claim of standing.

Based on the record, including the additional documents Credit Suisse has now produced and the parties’ supplemental briefing, the Court is persuaded that Credit Suisse has satisfied its Article III standing requirement and has the legal right to bring these Counterclaims.

The Court also finds that Credit Suisse’s alleged Counterclaims contain disputed issues of material fact which preclude summary judgment. Therefore, Stewart Title’s Motion for Summary Judgment is hereby DENIED.

DATED this 26th day of February, 2015.

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive, flowing style.

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Dee Benson  
United States District Judge

