

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

SHARON G. DAVIS

CIVIL ACTION

VERSUS

NO. 13-104-SDD-RLB

EUSTIS MORTGAGE CORP.

RULING

This matter is before the Court on the *Motion for Summary Judgment*¹ filed by the Defendant Eustis Mortgage Corporation. Plaintiff Sharon G. Davis has opposed the motion.² Plaintiff alleges the Defendant violated the Equal Credit Opportunity Act (“ECOA”)³ by failing to provide Plaintiff with an adverse action notice within thirty days of denying her January 2012 application for credit and for providing an insufficient and inadequate adverse action notice in its denial of her July 2012 re-application.⁴

Rule 56(a) of the Federal Rules of Civil Procedure mandates that a court “shall grant summary judgment if the movant shows there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Based on the record in this case, the Court finds that a genuine issue of fact exists as to whether Eustis failed to comply with the ECOA in denying Plaintiff’s first loan application in January of 2012. Eustis does not address this application at all

¹ Rec. Doc. 7.

² Rec. Doc. 14.

³ 15 U.S.C. § 1691, *et seq.*


⁴ See “Regulation B”, 12 C.F.R. § 202.9 (b)(1).

in its supporting memorandum but focuses only on the re-application. The Court also finds that there is a genuine issue of fact regarding the alleged loss sustained by Plaintiff in this case. Defendant contends Plaintiff has alleged no actual damages as a result of the Defendant's alleged actions. However, Plaintiff has presented summary judgment evidence of alleged monetary losses she suffered as a direct result of the Defendant's alleged lack of compliance in responding to her initial loan application. Therefore, the standard for granting summary judgment in this case is not satisfied.

Accordingly, Defendant's *Motion for Summary Judgment*⁵ is denied.

IT IS SO ORDERED.

BATON ROUGE, Louisiana, this 1st day of July, 2013.



SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

⁵ Rec. Doc. No. 7.