

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

SANJIV THAPAR, ET AL.

*

*

*

v.

*

Civil No. – JFM-16-2500

*

OPTIMA MORTGAGE CORP., ET AL.

*

MEMORANDUM

Plaintiffs have filed this action against Optima Mortgage Corporation and Nationstar Mortgage LLC. The complaint alleges two claims against Nationstar: intentional infliction of emotional distress and declaratory relief that the plaintiffs own the property free and clear of the deed of trust which they executed. Nationstar has filed a motion to dismiss. The motion will be granted. Further, the case will be dismissed as to Optima as well because (1) the time for plaintiff to effect service of process upon Optima has expired, and (2) any claim against Optima is time-barred.

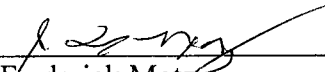
The complaint fails to state a claim for intentional infliction of emotional distress against Nationstar because the allegations in the complaint do not reveal that any conduct by Nationstar was extreme and outrageous or that plaintiffs have experienced extreme emotional distress. Indeed, the allegations establish that Nationstar’s conduct was entirely appropriate. As the beneficiary of the deed of trust, Nationstar was entitled to proceed against the property covered by the deed of trust. It is undisputed that plaintiffs are in default under their mortgage loan applications.

This action was filed in the Circuit Court of Prince George’s County, Maryland and removed to this court on July 6, 2016. Since that time, plaintiffs have not effected service upon

Optima. Moreover, any claims that plaintiffs have against Optima are time-barred. Optima made the loan to plaintiffs in 2007.

A separate order dismissing this action is being entered herewith.

Date: 1/27/17



J. Frederick Motz
United States District Judge

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2017 JAN 27 AM 11:48
CLERK'S OFFICE
AT BALTIMORE
BY _____
DEPUTY