

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DOUGLAS SURPRENANT,

Plaintiff,

PNC MORTGAGE,

Defendant.

Civil No. 12-10019-PBS

REPORT AND RECOMMENDATION ON  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

November 20, 2013

SOROKIN, C.M.J.

This case arises from a familiar scenario: a homeowner's efforts to obtain a loan modification after defaulting on his mortgage payments. Although he ultimately was granted a modification and remains in his home today, plaintiff Douglas Surprenant challenges the defendant's handling of his various applications for loan modifications over the course of several years. Pending is a motion filed by the defendant, PNC Mortgage ("PNC"), seeking entry of summary judgment with respect to each of the four claims asserted in Surprenant's complaint. Doc. No. 45. Surprenant has opposed the motion, Doc. No. 65, which has been referred to the undersigned for a report and recommendation, Doc. No. 9. For the reasons that follow, I recommend the motion be ALLOWED in part and DENIED in part.

I. BACKGROUND

A. Motion to Strike

When he originally opposed PNC's motion, Surprenant, an attorney proceeding here pro

*I adapt the report and recommendation and organize the objection by defendant. Patrick Surprenant*

*12/12/13*