

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 14-13593-GAO

CITIBANK, N.A., not in Its Individual Capacity but Solely as
Separate Trustee for PMT NPL FINANCING 2015-1,
Plaintiff,

v.

RENEE ANNA NAJDA a/k/a RENEE NAJDA, and ANDREW NAJDA,
Defendants and Counterclaimants,

v.

CITIBANK, N.A., not in Its Individual Capacity but Solely as
Separate Trustee for PMT NPL FINANCING 2015-1, and CITIMORTGAGE, INC.,
Counterclaim Defendants.

ORDER

October 20, 2017

O'TOOLE, D.J.

This Order clarifies the remaining claims to be tried at the upcoming trial and resolves the Plaintiff's and Counterclaim Defendant's Motion *in Limine* to Apply the Law of the Case (dkt. no. 251).

1. The following claims of the plaintiff/defendant-in-counterclaim, remain for trial: Count I (Declaratory Judgment), Count II (Breach of Contract), Count IV (Conditional Judgment), and Count V (Foreclosure).
2. The following claims of the defendants/plaintiffs-in-counterclaim, Renee Najda and Andrew Najda, remain for trial: Count I (Declaratory Judgment) as to Citibank and CitiMortgage with respect to the holder of the note, Count V (Promissory Estoppel) as to CitiMortgage, and Count X (Violation of M.G.L. ch. 93A) as to Citibank and CitiMortgage. Count I's claims based on purported violations of Massachusetts General Laws ch. 244, §§

35A, 35B, and 35C are dismissed as to Citibank and CitiMortgage for the reasons articulated regarding the claim against Specialized Loan Servicing, LLC in the Court's Opinion and Order dated March 29, 2017, and Count II (Slander of Title) is dismissed as to Citibank for the reasons articulated in the Court's Opinion and Order dated January 13, 2016.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge