

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 14-14171-GAO

QI HE,
Plaintiff,

v.

GREEN TREE SERVICING, LLC, FANNIE MAE,
BANK OF AMERICA, N.A., and HARMON LAW OFFICES, P.C.,
Defendants.

ORDER
August 13, 2015

O'TOOLE, D.J.

This action arises from a 2008 mortgage transaction between the plaintiff and defendant Bank of America, N.A. ("BANA"). BANA subsequently assigned the mortgage to Green Tree Servicing ("Green Tree"). The plaintiff defaulted on the loan but challenges Green Tree's right to foreclose, arguing that the default was deceptively and fraudulently induced. After sending a Right to Cure Letter and Right to Request Modification Letter, Green Tree eventually initiated a foreclosure action. In that connection, it commenced an action in the Massachusetts Land Court under the Servicemembers Civil Relief Act, in which defendant Harmon Law Offices served as its counsel. Defendant Fannie Mae's alleged involvement in events is not clear.

In her complaint, the plaintiff asserts eight state and federal claims. Green Tree, Fannie Mae, and Harmon Law Offices have moved to dismiss. BANA has not yet been served with process and is not a participant in the case at this time. On August 6, 2015, this Court heard oral argument on the motions to dismiss. For substantially the reasons laid out by the defendants, those

motions (dkt. nos. 5 and 8) are GRANTED and this action is dismissed as against Green Tree Servicing, Fannie Mae, and Harmon Law Offices.

The plaintiff's motions to strike the defendants' motions to dismiss (dkt. nos. 16 and 17) and her motions for entry of default as to Harmon Law Offices and Green Tree Servicing (dkt. nos. 18 and 26) are DENIED. Harmon Law Offices' motion for extension of time to file (dkt. no. 24) is deemed MOOT.

The plaintiff shall have ninety days from the entry of this order to serve defendant BANA. Additionally, if the co-owner of the property at issue wishes to join this action, an amended complaint against BANA naming both plaintiffs may be filed within twenty-one days of the entry of this order.

It is SO ORDERED.

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