

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIM CRAWFORD, et al.

Plaintiffs,

Case No. 11-13658

v.

HON. GEORGE CARAM STEEH

BANK OF AMERICA, N.A., et al.,

Defendants.

ORDER GRANTING MOTIONS TO DISMISS (#61, #62, #68, and #70)

Plaintiffs filed an action against defendants in Oakland County Circuit Court in June 2011 alleging fraud and other misconduct relating to the processing, servicing, and attempted modification of their mortgages. The complaint asserts: (1) fraudulent misrepresentation; (2) fraud; (3) breach of contract; (4) negligence under the Home Affordable Modification Program ("HAMP"); (5) violations of MCL 600.3205c; (6) promissory estoppel; (7) deceptive practices; and (8) civil conspiracy. On August 22, 2011, defendant Flagstar filed a notice of removal to this court. Following a hearing on jurisdictional issues, the court issued an order remanding the seven state claims. In the order, the court noted that it appears courts have universally held that HAMP does not provide a private cause of action.

On February 24 and 27, 2012, several defendants filed motions to dismiss (#61 and #62) the one remaining claim. The court ordered that there will be no oral hearing on the motions and that a written response must be filed by March 21, 2012. On March 1 and 7, 2012, additional defendants filed motions to dismiss (#68 and #70). The court again ordered that there will be no hearing on the motions and instructed that a written response must be filed by plaintiffs by April 2, 2012. All defendants either filed a motion

to dismiss or filed a notice of joinder/concurrence in a motion to dismiss. The deadlines for responding to the motions to dismiss have passed and no response was filed by plaintiffs. Accordingly, as HAMP does not provide plaintiffs with a cause of action, the motions to dismiss (#61, #62, #68, and #70) are GRANTED and the case is DISMISSED.

IT IS SO ORDERED.

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: April 12, 2012

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on April 12, 2012, by electronic and/or ordinary mail.

S/Josephine Chaffee
Secretary/Deputy Clerk