UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

UNITED STATES OF AMERICA,	
DI 1 100	Case No. 10-12941
Plaintiff,	Honorable John Corbett O'Meara
V.	
MICHAEL A. RATAJ,	
Defendant.	
	/

ORDER DENYING GOVERNMENT'S JUNE 6, 2011 MOTION FOR SUMMARY JUDGMENT

This matter came before the court on the government's June 6, 2011 motion for summary judgment. Defendant Michael A. Rataj filed a response June 24, 2011; and the government filed a reply July 15, 2011. Pursuant to LR 7.1(f)(2), no oral argument was heard.

This is an action for recovery of a student loan. The government alleges that defendant Rataj signed a promissory note to borrow \$26,303.20 from the Michigan Direct Student Loan Program on January 8, 1990. The loan was ultimately insured by the United States Department of Education.

The government alleges that "[a]s a result of accruing interest and lack of payment in full[,] \$37,814.22 was owed as of February 15, 2010." Plaintiff's br. at 2. The government further contends that "[i]nterest is accruing on the unpaid portion of this student loan debt at the rate of 9.00% and a daily rate of \$6.47 per day." Id.

Attached to Defendant's response brief are exhibits showing that he has made payments on the loan. The amount remaining, however, is a question of fact. Accordingly, the court must deny the government's motion for summary judgment.

<u>ORDER</u>

It is hereby **ORDERED** that the government's June 6, 2011 motion for summary judgment is **DENIED**.

<u>s/John Corbett O'Meara</u>United States District Judge

Date: July 28, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 28, 2011, using the ECF system.

s/William Barkholz Case Manager