

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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KENATH RICHARD STEIN,

Plaintiff,

v.

**ORDER**

Civil File No. 09-1995 (MJD/JJG)

CHASE HOME FINANCE, LLC,  
and NATIONAL CITY BANK

Defendants.

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Kenath Richard Stein, pro se.

Aleava Rael Sayre, Calvin P. Hoffman, and Marc D. Simpson, Leonard Street and Deinard, PA, Counsel for Defendant Chase Home Finance, LLC.

Ben I. Rust, Peterson, Fram & Bergman, Counsel for Defendant National City Bank.

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**I. Appeals of Orders**

This matter comes before the Court on Plaintiff Kenath Richard Stein's appeals of United States Magistrate Judge Jeanne J. Graham's August 13, 2010 Order [Docket No. 164] and September 10, 2010 Order [Docket No. 184]. This Court will reverse a magistrate judge's order on a nondispositive issue if it is

clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Minn. L.R. 72.2(a).

**A. August 13, 2010 Order**

In the August 13, 2010 Order, Magistrate Judge Graham ruled on multiple motions by Stein. Stein appeals the portions of the Order denying Stein's motion to compel discovery, motion to continue, and motion to strike Defendants' defenses. The Court has reviewed the submissions and the record in this case and concludes that Magistrate Judge Jeanne J. Graham's August 13, 2010 Order [Docket No. 164] is neither clearly erroneous nor contrary to law. Therefore, the August 13 Order is affirmed.

In Stein's appeals of the August 13 Order, he also requests certain relief, premised on his assertion that the Order is erroneous. The Court affirms the August 13 Order and denies Stein's additional requests for relief contained within his appeals.

**B. September 10, 2010 Order**

In the September 10, 2010 Order, Magistrate Judge Graham reiterated that Stein could not file a proposed Second Amended Complaint without leave of Court and explained that no hearing would be granted on the proposed Second

Amended Complaint because the deadline had passed, Stein had failed to move to extend the deadline to amend, and Stein had failed to file a motion to amend his Amended Complaint. After reviewing the submissions and the record in this case, the Court concludes that Magistrate Judge Jeanne J. Graham's September 10, 2010 Order [Docket No. 184] is neither clearly erroneous nor contrary to law. Therefore, the September 10 Order is affirmed.

In Stein's appeals of the September 10 Order, he also requests certain relief, premised on his assertion that the Order is erroneous. The Court affirms the September 10 Order and denies Stein's additional requests for relief contained within his appeals. Because the Court affirms the September 10 Order, it also denies Stein's letter request to suspend proceedings until he can be heard regarding his proposed Second Amended Complaint [Docket No. 205].

## **II. August 13, 2010 Report and Recommendation**

The above-entitled matter also comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated August 13, 2010. [Docket No. 165] Stein filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated August 13, 2010.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

**HEREBY ORDERED:**

1. Magistrate Judge Jeanne J. Graham's August 13, 2010 Order [Docket No. 164] is **AFFIRMED**.
2. The Court **ADOPTS** the Report and Recommendation dated August 13, 2010 [Docket No. 165].
3. Defendant Chase Home Finance, LLC's Motion for Summary Judgment [Docket No. 84] is **GRANTED**, and all claims against Defendant Chase Home Finance, LLC are **DISMISSED WITH PREJUDICE**.
4. Plaintiff's Motion for Summary Judgment [Docket No. 108] is **DENIED**.
5. Plaintiff's Appeal of Order (Doc. #164) Dated August 13, 2010 [Docket No. 170] is **DENIED**.
6. Plaintiff's Appeal of Order (Doc. #164) Dated August 13, 2010 [Docket No. 174] is **DENIED**.
7. Magistrate Judge Jeanne J. Graham's September 10, 2010 Order [Docket No. 184] is **AFFIRMED**.

8. Plaintiff's Appeal of Order Dated September 10, 2010 [Docket No. 187] is **DENIED**.

9. Plaintiff's Appeal of Order Dated September 10, 2010 [Docket No. 192] is **DENIED**.

10. Plaintiff's letter request to suspend proceedings until he can be heard regarding his proposed Second Amended Complaint [Docket No. 205] is **DENIED**.

Dated: November 15, 2020

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court