

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

NANCY A. NELSON,

Case No. 11-CV-3403 (PJS/TNL)

Plaintiff,

v.

ORDER

WELLS FARGO BANK, N.A., as successor
in interest to Wachovia Mortgage
Corporation,

Defendant.

Patrick D. Boyle, LAW OFFICE OF PATRICK D. BOYLE, for plaintiff.

Ellen B. Silverman, HINSHAW & CULBERTSON LLP, for defendant.

This matter is before the Court on the motion of defendant Wells Fargo Bank, N.A. (“Wells Fargo”) for summary judgment. For the reasons stated on the record at the March 11, 2013 hearing, the Court finds that, setting aside any other problems with Nelson’s misrepresentation claims, no reasonable jury could find that she justifiably relied to her detriment on Wells Fargo’s allegedly false statement. *See Piekarski v. Home Owners Sav. Bank, F.S.B.*, 956 F.2d 1484, 1493 (8th Cir. 1992) (under Minnesota law, a plaintiff must show justifiable reliance and damages to recover on a fraud claim); *Hardin Cnty. Sav. Bank v. Hous. & Redev. Auth.*, 821 N.W.2d 184, 192 (Minn. 2012) (under Minnesota law, a plaintiff must show justifiable reliance and damages to recover on a negligent-misrepresentation claim). Nelson’s misrepresentation claims therefore fail.

Nelson admits that her claims for declaratory and injunctive relief depend on her other substantive claims, and she does not oppose Wells Fargo’s motion as to her claims for breach of

contract and promissory estoppel. ECF No. 37 at 21-22. Wells Fargo's motion for summary judgment is therefore granted.

ORDER

For the reasons stated on the record at the March 11, 2013 hearing, and based on all of the files, and records, and proceedings herein, IT IS HEREBY ORDERED THAT the motion of defendant Wells Fargo Bank, N.A. for summary judgment [ECF No. 32] is GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 11, 2013

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge