

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Valery Clery, et al.

v.

Civil No. 10-cv-00413-JL

Chase Home Finance, LLC

O R D E R

The court has taken the defendant's motion to dismiss (document no. 6) under advisement. Since the filing of that motion and the plaintiffs' objection, the United States District Court of Massachusetts has issued a number of rulings in a case involving similar breach of contract claims brought by a proposed class of Massachusetts homeowners against J.P. Morgan Chase Bank (of which the defendant's sole member is a wholly owned subsidiary). See Durmic v. J.P. Morgan Chase Bank, N.A., No. 10-cv-10380-RGS, 2010 WL 4825632 (D. Mass. Nov. 24, 2010) (denying motion to dismiss those contract claims) and 2010 WL 5141359 (D. Mass. Dec. 10, 2010) (denying class certification without prejudice). In addition, a case involving similar breach of contract claims has been brought in this court by a proposed class of New Hampshire borrowers against Wells Fargo Bank. See Sampson v. Wells Fargo Bank, N.A., No. 10-cv-604-JNL (D.N.H. Dec. 28, 2010). In light of those developments, the court requests

that the parties file supplemental briefs on or before **January 28, 2011**, addressing the extent (if any) to which the Durmig opinions and the arguments raised by the plaintiffs in Durmig and Sampson bear upon the issues raised by the defendant's motion to dismiss. The briefs shall be no longer than 15 pages each.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: January 5, 2011

cc: Peter S. Wright, Jr., Esq.
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Mary Ellen Manganelli, Esq.