

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/> ADRIAN LUPU	:	
Plaintiff,	:	
	:	
v.	:	
	:	
LOAN CITY, LLC, et al.	:	
Defendants.	:	
	:	CIVIL ACTION NO. 12-4556
OCWEN LOAN SERVICING, LLC	:	
Third-Party Plaintiff,	:	
	:	
v.	:	
	:	
STEWART TITLE GUARANTY COMPANY	:	
Third-Party Defendant.	:	
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ORDER

AND NOW, this 27th day of March 2017, upon consideration of the pending motions and any responses thereto, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that:

1. The Motion for Summary Judgment against Plaintiff [Doc. No. 78], to which no response has been filed, is **GRANTED**. The entry of default against Loan City, LLC is **SET ASIDE** and the Fourth Amended Complaint is **DISMISSED WITH PREJUDICE** as to all Defendants.

2. The Cross-Motions for Summary Judgment as to the Third-Party Complaint [Doc. Nos. 76 and 77] are **GRANTED IN PART AND DENIED IN PART**. The Court **DECLARES** that Stewart Title had a duty to defend Ocwen as to all claims asserted in the Fourth Amended Complaint, and **DISMISSES** the bad-faith claim against Stewart Title. This Order therefore resolves all liability issues raised in the Third-Party Complaint.

3. If the parties cannot resolve the question of the amount of any defense costs to be paid by Stewart Title in accordance with this Order, the parties shall file submissions on the issue within **21 days**.

4. The Clerk is directed to **CLOSE** the case for statistical purposes.

It is so **ORDERED**.

BY THE COURT:

/s/Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.