

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FEDERAL NATIONAL MORTGAGE ASSOCIATION,)	
)	
Plaintiff/Counter-Defendant,)	Case No. 3:12-cv-01295
)	
v.)	
)	
BEVERLY CARR,)	
)	
Defendant/Counter-Plaintiff.)	

INITIAL CASE MANAGEMENT ORDER

A. JURISDICTION: The court has jurisdiction pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332.

B. BRIEF THEORIES OF THE PARTIES:

1) BEVERLY CARR: Counter-Plaintiff contends the foreclosure of her home was wrongful as she did not get proper notice and that she was in the process of seeking a HAMP loan modification when the wrongful foreclosure took place which was caused by FNMA’s servicing agent, Chase Bank, and in violation of the HAMP guidelines which is negligence and the proximate cause of her damages.

2) FEDERAL NATIONAL MORTGAGE ASSOCIATION (“FNMA”): FNMA denies that the underlying foreclosure of Counter-Plaintiff’s property by FNMA’s agent was wrongful or deficient in any way. Further, FNMA denies that Counter-Plaintiff has standing to bring a claim against it related to the HAMP loan modification sought by Counter-Plaintiff. Further, HAMP provides no private cause of action against any party, including but not limited to FNMA. Based on the foregoing, FNMA believes all of Counter-Plaintiff’s claims should be dismissed.

C. ISSUES RESOLVED: The parties are in agreement that jurisdiction and venue

is proper.

D. ISSUES STILL IN DISPUTE: Standing, liability and damages.

E. INITIAL DISCLOSURES: The parties shall exchange initial disclosures pursuant to FED. R. CIV. P. 26(a)(1) on or before April 1, 2013.

F. DISCOVERY: The parties shall complete all written discovery and depose all fact witnesses on or before August 30, 2013. Discovery is not stayed during dispositive motions, unless ordered by the court. Local Rule 33.01(b) is expanded to allow 40 interrogatories, including subparts. No motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated in a conference telephone call with Judge Trauger or a designated magistrate judge.

G. MOTIONS TO AMEND: The parties shall file all Motions to Amend on or before July 1, 2013.

H. DISCLOSURE OF EXPERTS: The plaintiff shall identify and disclose all expert witnesses and expert reports on or before August 1, 2013. The defendant shall identify and disclose all expert witnesses and reports on or before September 1, 2013.

I. DEPOSITIONS OF EXPERT WITNESSES: The parties shall depose all expert witnesses on or before October 15, 2013.

J. JOINT MEDIATION REPORT: The parties shall file a joint mediation report on or before September 5, 2013.

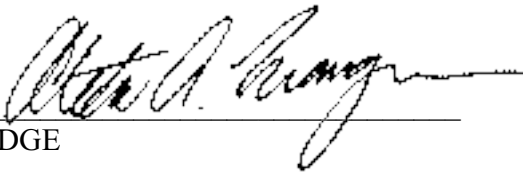
K. DISPOSITIVE MOTIONS: The parties shall file all dispositive motions on or before October 20, 2013. Responses to dispositive motions shall be filed within twenty (20) days after the filing of the motion. Optional replies may be filed within ten (10) days after the filing of the response. Briefs shall not exceed 20 pages. No motion for partial summary judgment shall be filed except upon leave of court. Any party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel and the court.

L. ELECTRONIC DISCOVERY. The parties have reached agreements on how to

conduct electronic discovery. Therefore, the default standard contained in Administrative Order No. 174 need not apply to this case.

M. ESTIMATED TRIAL TIME: The parties expect the trial to last approximately 1-2 days. The trial date will be set following the Court's ruling on any dispositive motions.

It is so ORDERED.



JUDGE

APPROVED FOR ENTRY:

s/ Lauren Paxton Roberts

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