

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

<b>SHERI L. BAKER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:16-cv-00124</b>
	)	<b>Judge Aleta A. Trauger</b>
<b>JP MORGAN CHASE BANK NA d/b/a CHASE MORTGAGE,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

The magistrate judge issued a Report and Recommendation (“R&R”) (Doc. No. 40) on January 30, 2017, recommending that the defendant’s Motion to Dismiss (Doc. No. 19) be granted in part and denied in part, that the plaintiff’s Motion for Leave to File Amended Complaint (Doc. No. 32) be denied, and that the plaintiff’s Motion for Leave to File Second Amended Complaint (Doc. No. 34) be granted.

Neither party objects to the recommendation that the plaintiff’s first Motion for Leave (Doc. No. 32) be denied. The court therefore **ACCEPTS** the magistrate judge’s recommendation and **DENIES** that motion.

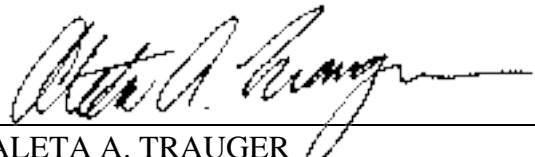
The defendant has filed Objections (Doc. No. 43) to the magistrate judge’s recommendations that the Motion to Dismiss be denied in part and that the plaintiff’s Motion for Leave to File Second Amended Complaint be granted. The defendant argues that the magistrate judge erred in finding that the plaintiff’s claims are not barred by *res judicata*. The plaintiff has filed a response (“Reply to Defendant Opposition to Report and Recommendation”) (Doc. No. 44).

For the reasons discussed in the accompanying Memorandum, the court **OVERRULES** the defendant's Objections and **ACCEPTS** the R&R. Accordingly, the plaintiff's Motion for Leave to File Second Amended (Doc. No. 34) is **GRANTED** and the defendant's Motion to Dismiss (Doc. No. 19) is **GRANTED IN PART AND DENIED IN PART**. The plaintiff's claim under 15 U.S.C. § 1681s-2(a)(8)(E) is **DISMISSED**, but the plaintiff's claim under 15 U.S.C. § 1681s-2(b) will be permitted to proceed.

The Clerk is **DIRECTED** to file the plaintiff's proposed Second Amended Complaint (Doc. No. 34-1) as a separate document.

The matter remains referred to the magistrate judge for case management.

It is so **ORDERED**.



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ALETA A. TRAUGER  
United States District Judge