

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MYRON BASS, ET AL.,)	
)	
Plaintiffs,)	
)	
VS.)	No. 13-2882-JDT-tmp
)	
TOM LEATHERWOOD, ET AL.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION,
DENYING MOTION TO AMEND (ECF No. 65), AND DENYING
MOTION TO DISMISS MOTIONS

Plaintiffs filed a civil complaint on November 12, 2013, against numerous Defendants, and paid the civil filing fee. (ECF Nos. 1 & 2.) The following Defendants subsequently filed motions to dismiss: Mortgage Electronic Registration Services, Inc. (ECF No. 13); Greenpoint Mortgage Funding, Inc. (ECF No. 15); Sidney Galernter, McCurdy & Chandler, and Patrick Taggart (ECF No. 21); Tom Leatherwood and Joseph Reves (ECF No. 24); and Bank of America, N.A., GMAC Mortgage, LLC,¹ Recontrust Co., N.A., U.S. Bank, N.A., and Deutsche Bank Trust Co. America (ECF No. 26). Plaintiffs filed a motion to amend the complaint on February 4, 2014. (ECF No. 31.) Responses and replies to the motions have been filed. (ECF Nos. 30, 34, 42, 47, 48 & 49.)

On July 21, 2014, U.S. Magistrate Judge Tu M. Pham issued a Report and Recommendation (“R&R”) in which he recommended that Defendants’ motions to dismiss be granted and that Plaintiff’s February 4th motion to amend be denied. (ECF No. 64.) On August 4, 2014, Plaintiff

¹ GMAC later filed a notice of bankruptcy and has withdrawn its participation from the motion to dismiss. (ECF Nos. 25 & 37.)

filed another motion to amend the complaint (ECF No. 65), an objection to the R&R (ECF No. 66), and a “Motion to Dismiss All Defendants [sic] Motions to Dismiss” (ECF No. 67). The proposed amended complaint included with the August 4th motion to amend is identical in substance to the proposed amendment submitted on February 4th.²

Having reviewed the complaint, the law, and Plaintiffs’ objection, the Court agrees with the Magistrate Judge’s recommendations. Plaintiffs’ objection to the R&R is incomprehensible and does not set forth any specific reasons why the R&R should not be adopted. The Magistrate Judge has thoroughly explained his decision, and it is unnecessary to issue a more detailed opinion. Therefore, the Court ADOPTS the R&R issued by the Magistrate Judge. Docket Entries 13, 15, 21, 24, and 26 are GRANTED, and Docket Entry 31 is DENIED. Plaintiffs’ August 4th motion to amend (ECF No. 65) and the motion to dismiss the Defendants’ motions (ECF No. 67) are also DENIED.³

On August 5, 2014, Defendants Arnold Weiss and Weiss, Spicer and Cash, LLC filed a motion to dismiss. (ECF Nos. 69 & 70.) After Plaintiff has had an opportunity to respond, the Magistrate Judge will issue a Report and Recommendation on that motion in due course.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

² In the August 4th proposed amended complaint, paragraphs 218-246 are set out twice. (ECF No. 65-1 at 40-44.)

³ As noted, the August 4th motion to amend includes a proposed amendment that is identical to the proposed amendment previously submitted. In addition, that motion to amend is untimely. The scheduling order issued on February 20, 2014, specified that motions to amend pleadings were due on or before April 21, 2014. (ECF No. 40.)