

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

U. S. BANK TRUST NATIONAL	§	
ASSOCIATION <i>as Trustee for RASC 2006-</i>	§	
<i>EMX5,</i>	§	Civil Action No. 4:23-cv-00597
	§	Judge Mazzant/Judge Davis
<i>Plaintiff,</i>	§	
v.	§	
	§	
KINGMAN HOLDINGS, LLC <i>individually</i>	§	
<i>and as Trustee for the Love Bird 218 Land</i>	§	
<i>Trust, et al.,</i>	§	
	§	
<i>Defendants.</i>	§	
	§	

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 13, 2025, the Magistrate Judge entered a Report and Recommendation (Dkt. #40) that Defendant Mark DiSanti’s and Defendant Kingman Holdings, LLC’s Motions to Dismiss (Dkts. #17, #25) be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendant Mark DiSanti’s and Defendant Kingman Holdings, LLC’s Motions to Dismiss (Dkts. #17, #25) are hereby **GRANTED IN PART** and **DENIED IN PART**.

Specifically, the following claims asserted against Mark DiSanti, Ted Blanchard, and Kingman Holdings, LLC are **DISMISSED WITHOUT PREJUDICE**: (1) slander of title; (2) violation of Texas Civil Practice and Remedies Code § 12.002; (3) common-law fraud; (4) civil conspiracy; (5) fraud in a real-estate transaction under Texas Business and Commerce Code § 27.01; and (6) sanctions. In addition, the claim against Mark DiSanti, Ted Blanchard, and Kingman Holdings, LLC for malicious prosecution is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

SIGNED this 11th day of March, 2025.

A handwritten signature in black ink that reads "Amos Mazzant". The signature is written in a cursive style and is positioned above a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE