

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**JEAN LOMBARDI,**

**Plaintiff,**

**v.**

**BANK OF AMERICA et al.,**

**Defendants.**

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**Civil Action No. 3:13-cv-1464-O**

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Accordingly, Defendant Bank of America, N.A. and The Bank of New York Mellon's Motion to Dismiss (ECF No. 17), is **GRANTED in part** and **DENIED in part**. Plaintiff's claims against Defendants for negligence, negligent misrepresentation, common law fraud, suit to quiet title, trespass to try title, unjust enrichment, and violations of the DTPA, RESPA, and §§ 392.304(a)(8),(19) of the TDCPA are **DISMISSED with prejudice**. Her wrongful foreclosure claim, her breach of contract claim, and her TDCPA claims under §§ 392.301(a)(8) and 392.001 for failure to pay the requisite bond and § 392.303(a)(2) for charging unauthorized fees are allowed to proceed.

Additionally, this case is hereby referred to Magistrate Judge Ramirez for pretrial

management. All non-dispositive motions are referred to the magistrate judge for determination according to 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P. 72(a). All case dispositive motions are referred to the magistrate judge for recommendation according to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b)(1). All other pretrial matters, including scheduling and alternative dispute resolution are referred to the magistrate judge for appropriate action consistent with applicable law.

The judge's copy of future filings shall be sent with a transmittal letter addressed to Magistrate Judge Ramirez so copies can be sent directly to her without delay.

**SO ORDERED** on this **13th day** of **March, 2014**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE