

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DIAMANTINA P MARQUEZ,

Plaintiff,

VS.

WILSHIRE CREDIT CORPORATION, *et al*,

Defendants.

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CIVIL ACTION NO. C-07-245

ORDER

On this day the Court held a hearing in the above-styled action. At that hearing, the Court ORDERED as follows:


- (1) Defendant Wilshire Credit Corporation’s (hereinafter, “Wilshire”) “Motion for Leave to File its First Amended Answer to Plaintiff’s Third Amended Complaint” (D.E. 98) is hereby DENIED.
- (2) Wilshire’s “Unopposed Motion to Dismiss Specific Claims Against Third-Party Defendant FIS Field Services, Inc.” (D.E. 109) is hereby GRANTED.
- (3) Wilshire’s “Unopposed Motion to Dismiss Specific Claims Against Defendant Ocwen Loan Servicing, LLC” (D.E. 110) is hereby GRANTED.
- (4) Wilshire’s “Unopposed Motion to Dismiss Specific Claims Against Defendants Washington Mutual Bank, F.A. and Washington Mutual Home Loans, Inc.” (D.E. 111) is hereby GRANTED.

- (5) Per agreement of the parties and pursuant to the discussion on the record, the Court hereby GRANTS Third-Party Defendant FIS Field Services, Inc.'s (hereinafter, "FIS") Motion for Summary Judgment (D.E. 91). FIS is hereby DISMISSED from the above-styled litigation.
- (6) Per agreement of the parties and pursuant to the discussion on the record, the Court hereby GRANTS Cross-Defendant Ocwen Loan Servicing, LLC's (hereinafter, "Ocwen") Motion for Final Summary Judgment (D.E. 92). Ocwen is hereby DISMISSED from the above-styled litigation.
- (7) Per agreement of the parties and pursuant to the discussion on the record, the Court hereby GRANTS the Motion for Summary Judgment of Defendants Washington Mutual Bank, as successor to Long Beach Mortgage Company, and Washington Mutual Home Loans, Inc. (hereinafter, the "Washington Mutual Defendants") (D.E. 94). The Washington Mutual Defendants are hereby DISMISSED from the above-styled litigation.
- (8) The only remaining parties in this case are Plaintiff Diamantina Marquez and Defendant Wilshire. Plaintiff has voluntarily DISMISSED the following claims against Defendant Wilshire: (a) intentional infliction of emotional distress; (b) fraud in the inducement; and (c) coercion.¹ The parties agree that the only remaining claims in this litigation are as follows: Plaintiff's claims against Wilshire for (a) violations of the Texas Debt Collection Act; (b) violations of the Texas Deceptive Trade Practices Act; (c) Texas common law

¹In her Third Amended Complaint (D.E. 60-2), Plaintiff brings a claim entitled "Wilshire's Claimed Lien on Plaintiff's Homestead is Void." (*Id.*, ¶ 55). However, in her response to Wilshire's motion for partial summary judgment, Plaintiff "concedes that the lien is not void." (D.E. 105, ¶ 77). In accordance with Plaintiff's concession, Plaintiff has voluntarily dismissed this claim against Wilshire, and it is no longer pending in Plaintiff's Third Amended Complaint.

unreasonable debt collection practices; (d) invasion of privacy; (e) negligence; and (f) trespass.

SIGNED and ORDERED this 7th day of March, 2008.



Janis Graham Jack
United States District Judge