

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-16-303 ✓

U.S. NATIONAL BANK
ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE FOR NRZ
PASS-THROUGH TRUST VIII,

REC'D CUMB CLERKS OFC
APR 27 '18 AMB:27

Plaintiff

v.

ORDER

HEATHER R. HIDER and
BENJAMIN K. HIDER,

Defendants

Before the court are three motions: (1) plaintiff's motion for judgment on the pleadings on defendants' counterclaim; (2) defendant's third motion to dismiss the complaint; and plaintiff's motion to strike one witness from defendant's witness list.

Plaintiff's Motion for Judgment on the Pleadings on Defendants' Counterclaims

In seven of their twelve claims, defendants allege conduct on the part of "plaintiff and/or its predecessors in interest." (Counterclaim, Counts I-V, VII, IX.) In one count, defendants allege conduct on the part of the "originator of the loan and its co-conspirators." (Counterclaim, Count IV.) Defendants do not allege that plaintiff expressly assumed liability for the conduct of others, who are unnamed in the counterclaim. See Deutsche Bank v. Gregory-Boutot, No. CV085003138S, 2009 Conn. Super. LEXIS 2140 *20 (July 15, 2009). Three of defendants' claims do not constitute causes of action. (Counterclaim, Counts VI, VII, XI.) As discussed below, other claims are barred by the statute of limitations. In all claims, defendants have failed to state a cause of action.

Judgment is entered in favor of Plaintiff Nationstar Mortgage LLC and against Defendants

Heather R. Hider and Benjamin K. Hider on Defendants' Counterclaim as follows:

1. on Count I based on the statute of limitations and failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

2. on Count II based on the statute of limitations and failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

3. on Count III based on failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

4. on Count IV based on the statute of limitations and failure to state a claim upon which relief can be granted. M.R. Civ. P. 9(b); 12(b)(6).

5. on Count V based on failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

6. on Count VI based on failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

7. on Count VII based on failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

8. on Count VIII based on the statute of limitations and failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

9. on Count IX based on the statute of limitations and failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

10. on Count X based on failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

11. on Count XI based on failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

12. on Count XII based on failure to state a claim upon which relief can be granted. M.R. Civ. P. 12(b)(6).

Defendant's Motion to Dismiss

The motion is denied.

Plaintiff's Motion to Strike Witness from Defendant's Witness List

The motion is granted. M.R. Evid. 408.

The clerk is directed to incorporate this order into the docket by reference. M.R. Civ. P.
79(a).

Date: April 26, 2018


Nancy Mills
Justice, Superior Court

STATE OF MAINE
CUMBERLAND, SS:

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-16-303

U.S. BANK NATIONAL ASSOCIATION, NOT
IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE FOR NRZ PASS-
THROUGH TRUST VIII

Plaintiff,

v.

HEATHER R. HIDER and BENJAMIN K.
HIDER,

Defendants.

TITLE TO REAL ESTATE INVOLVED

REC'D CUMB CLERKS OF
APR 27 '18 AMB:27

ORDER ON MOTION FOR PROTECTION

Upon consideration of the Attorney Paula-Lee Chambers' Motion for Protection

("Motion"), dated April 18, 2018, the Motion is hereby: *unnecessary.*

Trial will be scheduled for July-August 2018.

APPROVED _____

~~DENIED~~ _____

*The clerk is directed to incorporate this order
into the docket by reference.*

Dated: *4-26-18*

Uday Niu
Cumberland Superior Court Justice

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
Docket No. RE-16-303

NATIONSTAR MORTGAGE LLC,

Plaintiff

v.

ORDER ON DEFENDANTS'
MOTION TO DISMISS

HEATHER R. HIDER and
BENJAMIN K. HIDER,

Defendants

STATE OF MAINE
CUMBERLAND, ss
MAY 4 2017
RECEIVED

Before the court is defendants' motion to dismiss plaintiff's complaint. Defendants argue: "1. The Plaintiffs do not have standing in this matter. 2. The court has no jurisdiction in this case as a matter of law and therefore the case must be dismissed." (Defs.' Mot. Dism.)

The court has reviewed the filings and concludes that plaintiff has pleaded facts sufficient to demonstrate statutory standing and this court's jurisdiction. See 14 M.R.S. § 6321; Bank of Am., N.A. v. Greenleaf, 2014 ME 89, ¶ 9, 96 A.3d 700.

The entry is

Defendants' Motion to Dismiss is DENIED.

Date: May 4, 2017


Nancy Mills
Justice, Superior Court

NATIONSTAR MORTGAGE LLC VS HEATHER R HIDER ET AL
UTN:AOCSSr -2016-0072329

*****FDP*****
CASE #:PORSC-RE-2016-00303

REF. NO.

REPRES. CREDITON TYPE

DATE

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F FOR: NATIONSTAR MORTGAGE LLC PL RTND 09/08/2016

02 0000004724 ATTORNEY: CHAMBERS, PAULA LEE

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F FOR: NATIONSTAR MORTGAGE LLC PL RTND 12/23/2016

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