

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

-----X
: ROBERT WEST, :
: Plaintiff, :
: :
v. : Civil No. 3:16CV1523 (AWT)
: :
OCWEN LOAN SERVICING, LLC, :
AND DEUTSCHE BANK, :
Defendants. :
: :
-----X

ORDER RE MOTION TO DISMISS

Defendants' Motion to Dismiss (Doc. No. [12]) is hereby GRANTED.

The defendants move to dismiss the instant action pursuant to the doctrines of res judicata and collateral estoppel. With respect to the doctrine of collateral estoppel, the defendants assert that the plaintiff is trying to relitigate the underlying foreclosure, specifically, whether the note and the mortgage were modified such that a foreclosure judgment would have been precluded. In each of Counts One, Two, and Three in this action the plaintiff asserts claims resting on his contention that the note and the mortgage were modified. Consequently, the court is granting the defendants' motion to dismiss.

The Clerk shall close this case.

It is so ordered.

Dated this 24th day of August 2017, at Hartford,
Connecticut.

/s/AWT

Alvin W. Thompson
United States District Judge