

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
ESTHER SALAS
UNITED STATES DISTRICT JUDGE

MARTIN LUTHER KING
COURTHOUSE
50 WALNUT ST.
ROOM 2037
NEWARK, NJ 07101
973-297-4887

December 21, 2017

LETTER ORDER

Re: *Williams v. Litton Loan Servicing, et al.*
Civil Action No. 16-5301 (ES) (JAD)

Dear Parties:

On August 25, 2016, *pro se* Plaintiff filed a Complaint in this Court alleging (i) violation of the Fair Debt Collection Practices Act (Count I); (ii) violation of the New Jersey Consumer Fraud Act (Count II); (iii) breach of contract (Count III); (iv) intentional infliction of emotional distress (Count IV); (v) deliberate indifference (Count V); and (vi) defamation of character (Count VI). (*See generally* D.E. No. 1). Defendants moved to dismiss Plaintiff's Complaint in part under Federal Rule of Civil Procedure 12(b)(1), which governs jurisdictional challenges. (D.E. Nos. 15 & 29).

On June 5, 2017, however, Plaintiff notified Defendants and the Court that she "needs a delay of these proceedings to be accepted by the Defendants and approved by the Court" in light of her impending "major surgery" and "deteriorating physical condition." (D.E. No. 55 at 1). Plaintiff further stated that the "surgery has been scheduled and recovery could take up to a year." (*Id.*). On June 23, 2017, Plaintiff again notified Defendants and the Court that, as advised by her doctors, she would "refrain from involvement in this legal action until after surgery," and intends to "respond as soon as my doctors confirm it is safe." (D.E. No. 61 at 1). In light of Plaintiff's request and her *pro se* status, on July 10, 2017, the Court administratively stayed and closed this matter with the right of the parties upon good cause to reopen. (*See* D.E. No. 65, Letter Order).

Following the Court's Letter Order, on August 25, 2017, Plaintiff again represented to the Court: "I am recovering from major surgery and being treated by my medical team. . . . The medical community estimates a recovery of six months to one year for this type of surgery." (D.E. No. 66 at 1). On October 16, 2017, Plaintiff "request[ed] that the Court order [one of the defendants] to cease and desist all collection activity on the fraudulent mortgage in this case" and further stated, "I am working hard to recover successfully and fully so that I may complete this legal action." (D.E. No. 67 at 1). And, on October 31, 2017, Plaintiff filed another letter stating that her "ability to proceed should be confirmed in mid-January 2018." (D.E. No. 68 at 1).

On December 12, 2017, however, Plaintiff filed a “Motion for Interlocutory Injunction & Response to NJ Supreme Court Citing Problems.” (See D.E. No. 69 (“Plaintiff’s motion”)). Specifically, Plaintiff requests that the Court “issue an interlocutory injunction and schedule a trial as soon as [Plaintiff is] medically cleared to proceed,” and “prevent the [D]efendants and the State of New Jersey from moving forward with the theft of [her] home.” (*Id.* at 1). In her motion, Plaintiff states that she “will contact the Court in mid-January with [her] intent and ability to proceed.” (*Id.* at 2). “In light of the terminated status of this matter,” on December 14, 2017, Defendants Fremont Home Loan Trust 2006-C Mortgage-Backed Certificates, Series 2006-C, Goldman Sachs, HSBC Bank USA, N.A., Litton Loan Servicing, Ocwen, and Ocwen Financial Corporation submitted a letter “seeking [the Court’s] guidance as to whether or not the Court will in fact be conducting a hearing on Plaintiff’s motion.” (D.E. No. 70 at 2). Because Defendants raise threshold issues in their pending motions to dismiss, the Court does not require opposition to, and will not hold a hearing on, Plaintiff’s motion at this time. All pending motions will be resolved on the papers. See Fed. R. Civ. P. 78(b).

In light of Plaintiff’s *pro se* status, however, the Court will construe Plaintiff’s motion as a motion to reopen this matter for good cause. See *Abulhair v. U.S. Postal Serv.*, No. 13-7796, 2015 WL 10937033, at *1 n.1 (D.N.J. Feb. 19, 2015) (“The Court liberally construes documents filed by pro se plaintiffs, and holds such plaintiffs to less stringent standards than lawyers.”) (citing *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)). Accordingly,

IT IS on this 21st day of December 2017,

ORDERED that the Clerk of Court shall REOPEN this matter.

s/Esther Salas
Esther Salas, U.S.D.J.