

# Case study on deutsche bank national trust company vs. tony lippi

[Business](#), [Company](#)



- Description of the case
- Appellant:
- Appellee:
- Plaintiff below:
- Defendant below:
- Appellant attorney firm:
- Appellant attorney who argued the case

In the above mentioned case, there was an appeal against the court's actions. This was during the course of a trial, where the actions might have been questionable. It argues that the court abused its power of discretion because; it, Deutsche Bank, had the intention of severing the sanction as a result of circumstances surrounding the case. It is a case that originally emanates from a foreclosure action on residential mortgage payments. Tony Lippi executed a mortgage claim in favour of Fremont Investment and Loan, because; Fremont was the initial lender, and Mortgage Electronic Registration System was the purported mortgagee (FAS, 2012).

Lippi later defaulted on the note after Deutsche Bank gained an assignment from MERS. Deutsche Bank accelerated all sums due, and all that was owed. Lippi failed to comply with the payment terms, forcing Deutsche Bank to file a suit, seeking mortgage foreclosure. Lippi argued that Deutsche Bank had no standing for such a complaint, forcing the court to give the company 15 days to amend the complaint. After amending the complaint, Lippi made a move to dismiss because; Deutsche Bank was not the original owner of the note. The court ruled in favour of Lippi, and in a third move, had the company sanctioned for its behaviour (FAS, 2012).

The case citation was number 5D10-946 (FL Dist. 5 Ct. App., Jan. 20, 2012). It was a case on mortgage payment and the appellant in this case was Deutsche Bank National Trust Company, and the Tony Lippi as the appellee. The defendants, Tony Lippi, argued that the plaintiff, Deutsche Bank National, violated terms and conditions of the ruling by the court on their previous case (FAS, 2012). The defendant asked the court to dismiss the case related to the matter, on grounds of prejudice. Genny Castellanos and Suzanne Hill, the appellant's attorneys were found to have violated terms of agreement, and that the actions of the attorney and client were hindering the provision of justice. They were attorneys with the firm Rumberger Kirk & Caldwell PA, who represented the appellant during the court proceedings. There were a number of issues brought out in the case. During the dismissal of the first case, the appellate thought it wise to bring to the court's attention the appellant's strategies to win the case. In this case, Deutsche Bank National failed to file a timely suit, which made the appellee file for a dismissal which was granted by the court. After this move, the appellant filed another suit. This time, it was a timely suit, but the appellee thought it wise to file for a dismissal on grounds of prejudice. The appellant's argument in all the cases brought against the appellee was that they were the original owners of the note. They, therefore, had the right to file a mortgage action against Lippi. They could now bring forth the foreclosure action as they saw fit. This is according to the rights they thought they had while in possession of the note and mortgage (FAS, 2012).

One question by the court was probably if the appellant was affected by the outcome of the proceedings in the case, either directly or indirectly. The

appropriate response by the attorneys responsible would be yes. This might have been used to bring out the nature of the appellant, not as a huge company, but individuals trying to run an honest business. Another question the judge might have brought forth was if there was the presence of evidence linking the appellant's claim on the note (FAS, 2012). The attorney present should answer depending on what they might have in their possession. If they do, then it is the judge's duty to evaluate if the evidence presented supports the appellant's argument. If not, then the judge can hold the appellant for wrongly representing his/her claim in court (Scaros, 2011). The appellant's rebuttal may be out to claim that the court may have been wrongly placed in dismissing the second amended complaint. This is by claiming to have done everything by the law, and having the law turn against it. There might not have been aggravating circumstances in the case proceedings, which might prove to them that the court was prejudiced in the ruling. The judge might have asked the attorney if by any chance they delayed proceedings to alter the outcome of the case. The attorney might answer that they did not wilfully do so. This is to prevent the harsh punishment of sanctions that the appellant may face (FAS, 2012).

In conclusion, the court decided to dismiss the case of Deutsche National Trust Company against Tony Lippi. This is by choosing to claim that the appellant in this case was wrongly representing their claim in court. When an attorney makes an error, it is the court's prerogative to grant appellants sanctions less severe than the dismissal of a case (FAS, 2012). However, in this case, the client and attorney are both in the wrong as they both prevented the use of rightful information from making its way into court.

Also, their desperate attempt to have a case against the appellee makes the judicial system think of the strategies implemented by the appellant and their attorneys to make a case. There might not have been a close regard on laws in trying to come up with information displayed in court. I do, therefore, agree with the court's decision to dismiss the case against Tony Lippi.

## **References**

Florida Advance Sheet. (2012). Deutsche Bank National Trust Company, etc., appellant, v, Tony Lippi. Florida: Miami Press.

Gliha, J. (2011). Winning the collection game: Mortgage foreclosure dismissed. New York: Macmillan Publishers.

Scaros, C. E. (2011). Understanding the constitution. New York: Free Press.