

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: BANK OF AMERICA HOME AFFORDABLE  
MODIFICATION PROGRAM (HAMP) CONTRACT  
LITIGATION**

Federal National Mortgage Association v. Kenneth W. )  
Ruffin, et al., N.D. Georgia, C.A. No. 1:13-00766 )

MDL No. 2193

**ORDER DENYING TRANSFER**

**Before the Panel:** Pursuant to 28 U.S.C. § 1407(c), defendant Jenneh Es-Sudan moves to transfer the present action (*Fannie Mae*) to MDL No. 2193. Plaintiff Federal National Mortgage Association (Fannie Mae) and common defendant in MDL No. 2193, Bank of American N.A. (Bank of America)—which is not named as a party to *Fannie Mae*, but has filed an interested party response—oppose the motion.

*Fannie Mae* is a dispossessory action originally filed by Fannie Mae against three individuals in Georgia state court. The underlying property has been sold at a foreclosure sale. The actions originally centralized in this MDL involve factual questions arising from allegations that “Bank of America regularly fails to comply with the terms of the Home Affordable Modification Program (HAMP).” *In re Bank of Am. Home Affordable Modification Program (HAMP) Contract Litig.*, 746 F. Supp. 2d 1359, 1361 (J.P.M.L. 2010).

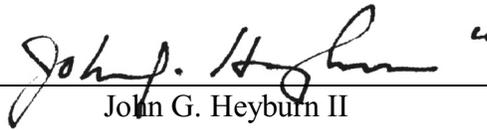
In support of transfer, moving defendant argues that this action shares questions of fact with MDL No. 2193 regarding whether Bank of America failed to comply with HAMP by wrongfully denying movant a permanent modification of her mortgages. While these allegations are tangentially related to the subject matter of MDL No. 2193, we disagree that they will overlap significantly with the claims alleged in MDL No. 2193. Bank of America, common defendant in MDL No. 2193, is not a party to *Fannie Mae*. Moreover, we have specifically limited this litigation to class action claims. Much like the individual actions the Panel declined to include in MDL No. 2193 at the time of centralization, movant’s assertions “focus to a large extent on individual issues of fact that are unique to [her] interactions with Bank of America.” *Id.*

- 2 -

Accordingly, after considering all argument of counsel, we find that this action does not share sufficient questions of fact with previously centralized actions to warrant inclusion in MDL No. 2193, nor would inclusion serve the convenience of the parties and witnesses or promote the just and efficient conduct of the actions.

IT IS THEREFORE ORDERED that the motion, pursuant to 28 U.S.C. § 1407(c), for transfer of this action is denied.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II", is written above a horizontal line. The signature is cursive and includes a small mark at the end.

John G. Heyburn II  
Chairman

Kathryn H. Vratil  
Paul J. Barbadoro  
Charles R. Breyer

W. Royal Furgeson, Jr.  
Marjorie O. Rendell  
Lewis A. Kaplan