

SUMMARY STATEMENT

Gordon v. U.S. Bank

Docket No. 45202

The Idaho Supreme Court affirmed the district court's amended judgment dismissing Ellen Gittel Gordon's claims. After Gordon defaulted on her mortgage, the loan servicer initiated nonjudicial foreclosure proceedings to sell her home at auction. Gordon submitted multiple loan modification applications and appeals in an attempt to keep her home but all were ultimately rejected. As a result, Gordon initiated the underlying action against U.S. Bank, Lisa McMahon-Myhran, and Select Portfolio Servicing, Inc. (Lenders) in district court to enjoin the foreclosure sale.

Upon the filing of a motion to dismiss that was later converted to a motion for summary judgment, the district court dismissed Gordon's action and allowed the foreclosure sale to take place. First, the Court held that the district court correctly denied Gordon's requested injunction and appropriately granted summary judgment in favor of the Lenders. Next, the Court held that the district court correctly dismissed Gordon's breach of the covenant of good faith and fair dealing claim, as Gordon failed to raise any genuine issue of material fact that the Lenders had violated the covenant.