

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA, Plaintiff,)
)
 v.)
)
 SUNTRUST MORTGAGE, INC., Defendant.)
 _____)

No. 3:12-cv-00397-REP

CONSENT ORDER OF DISMISSAL WITH PREJUDICE

1. On September 14, 2012, this Court entered a Consent Order between Plaintiff United States and Defendant SunTrust Mortgage, Inc. The Consent Order resolved all claims set forth in the United States’ Complaint against the Defendant in this matter, and provided that the case shall be dismissed with prejudice after completion of the Order.

2. By Order of the Court entered on November 16, 2015 (Docket No. 20), the Court ordered “that the parties shall submit a Consent Order of Dismissal With Prejudice not later than October 31, 2016, and, to that end, counsel shall follow up with distribution to expedite the filing of reports required by paragraph 22 of the Disbursement Order.”

3. The parties have now filed a Joint Motion for Entry of Consent Order of Dismissal with Prejudice, to which is attached as Exhibit A certifications from 15 organizations approved by the Court pursuant to paragraphs 4-20 of the Disbursement Order (Docket No. 17) who received a portion of surplus settlement funds remaining after aggrieved persons had been compensated pursuant to paragraph 22 of the Consent Order (Docket No. 15). Thirteen organizations report that they have spent “the received funds for one or more of the following purposes: credit and housing counseling (including assistance in obtaining loan modification and

preventing foreclosure), legal representation of borrowers seeking to obtain a loan modification or to prevent foreclosure, financial literacy, or other related programs targeted at African-American and Hispanic potential and former homeowners in communities where the Complaint in United States v. SunTrust Mortgage, Inc. alleged significant discrimination occurred against African-American and Hispanic borrowers.” Two remaining organizations, The Up Center, and Tallahassee Lenders’ Consortium Inc., report that they have spent \$88,978.50 out of \$100,000.00, and \$30,000.00 out of \$50,000.00, respectively, that was distributed to them. The Up Center and Tallahassee Lenders’ Consortium, Inc., further certify that they “will utilize the remaining . . . funds . . . for one or more of the purposes above by” November 30, 2016; and January 15, 2017, respectively. Alternatively, if they have not “utilized the remaining \$11,021.50 [or \$20,000.00] of the funds received for one or more of the purposes above by November 30, 2016, [or January 15, 2017, they] will return all unutilized money to SunTrust.”

4. In light of the foregoing, the Court determines that all terms of the Consent Order have been substantially completed, and it is therefore:

ORDERED that the Defendant will require The Up Center and Tallahassee Lenders’ Consortium Inc. to return any funds they have not spent by January 15, 2017 to provide credit and housing counseling (including assistance in obtaining loan modification and preventing foreclosure), legal representation of borrowers seeking to obtain a loan modification or to prevent foreclosure, financial literacy, or other related programs targeted at African-American and Hispanic potential and former homeowners; it is further

ORDERED that the Defendant will redistribute any returned funds to one or more of the other 13 organizations named in the Disbursement Order entered on September 29, 2015 to be spent toward the purposes specified in that Order; it is further

ORDERED that this case is DISMISSED WITH PREJUDICE.

LET THE CLERK serve a copy of this Consent Order of Dismissal with Prejudice upon counsel of record by ECF transmission.

It is so ORDERED.


/s/ REP

ROBERT E. PAYNE
Senior United States District Judge

Richmond, Virginia
Date: November 3, 2016

WE ASK FOR THIS:

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SEEN, AGREED, AND CONSENTED TO:

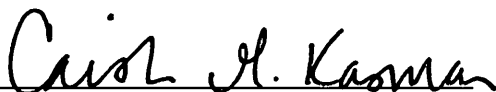
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