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Civil Procedure, Contracts

Biltcliffe v. CitiMortgage, Inc., No. 14-1043

In this case, after foreclosure proceedings were initiated on plaintiff's house, he brought suit for breach of contract, unjust enrichment, and breach of the covenant of good faith and fair dealing. Summary judgment in favor of defendant on all counts and denial of plaintiff's motion for reconsideration is affirmed, where: 1) plaintiff's notice of appeal makes no reference to the district court's grant of summary judgment and specifically lists the reconsideration decision, and thus cannot be fairly said to give defendant notice of Plaintiff's intent to appeal anything but the reconsideration decision; 2) under Massachusetts law, the existence of a contractual relationship between the parties typically precludes an unjust enrichment claim arising out of that contract, and so plaintiff did not have an adequate remedy at law for his unjust enrichment claim; and 3) the affidavits submitted by plaintiff are not new evidence sufficient to warrant Federal Rule of Civil Procedure Rule 59(e) relief.