

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE

Catherine Hoyle and Michael Hoyle, Sr. v. Deutsche Bank National
Trust Company, et al.

No. 2:25-cv-2459 (W.D. Tenn. Nov. 24, 2025) · No. 2:25-cv-2459 · Decided November 24, 2025

SUMMARY

The United States District Court for the Western District of Tennessee considers motions to dismiss claims arising from a 2024 foreclosure and related detainer action. The court holds that the federal action and state detainer action are parallel and stays the proceedings under the Colorado River abstention doctrine. Deutsche Bank and NewRez’s motion to dismiss is granted in part and denied in part, while Mackie Wolf’s motion is denied without prejudice as not ripe.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee
WRITING FOR THE COURT	Sheryl H. Lipman
JURISDICTION	United States District Court for the Western District of Tennessee, Western Division
DECIDED	November 24, 2025
DOCKET	2:25-cv-2459
DISPOSITION	affirmed
PROCEDURAL POSTURE	Federal court review of two motions to dismiss under Rule 12(b)(6) in a removed diversity action arising from a state foreclosure and unlawful detainer.
STANDARD OF REVIEW	Rule 12(b)(6) motion to dismiss for failure to state a claim; complaint construed in light most favorable to plaintiffs.
PRECEDENTIAL VALUE	unpublished

TOPICS

- forum non conveniens
- motions to dismiss
- foreclosure
- wrongful foreclosure
- civil procedure

PRACTICE AREAS

- civil procedure
- real estate
- contracts
- consumer protection

QUESTIONS PRESENTED

1. Whether Colorado River abstention applies to stay federal proceedings in light of a parallel state unlawful detainer action
2. Whether Plaintiffs' state law claims should be dismissed under Rule 12(b)(6) for failure to state a claim
3. Whether Tennessee's prior suit pending doctrine requires dismissal of claims against Mackie Wolf

HOLDINGS

1. The federal action and the state unlawful detainer action are parallel because Plaintiffs' claims are all premised on the alleged wrongful foreclosure sale, which is also the central issue in the detainer action.
2. Five factors favor abstention: (1) the General Sessions court has jurisdiction over the property in the Detainer Action, (2) there is a risk of piecemeal litigation because the validity of the foreclosure sale must be resolved in both actions, (3) the Detainer Action was filed first, (4) state law governs most claims, and (5) the Detainer Action is an adequate forum where Plaintiffs can assert wrongful foreclosure as an affirmative defense and bring counterclaims.
3. A defendant's voluntary removal to federal court does not waive the right to seek Colorado River abstention.

KEY QUOTATIONS

“Each of Plaintiffs' claims is premised on the foreclosure sale's alleged violation of the Deed of Trust” (at 6)

“There is absolutely no doubt that wrongful foreclosure can be raised as an affirmative defense to an unlawful detainer action brought by the purchaser of property in foreclosure.” (at 14)

“the statutory limitation that Plaintiffs rely on does not apply to the Detainer Action” (at 13)

FACTUAL BACKGROUND

In 2005, Plaintiffs executed a Note and Deed of Trust for \$27,000 on Memphis property. The Deed of Trust was assigned to Deutsche Bank in 2013. After Plaintiffs defaulted and received a Chapter 7 bankruptcy discharge (which preserved lien rights), they received a Notice of Default in January 2024. Deutsche Bank appointed Mackie Wolf as substitute trustee, and a foreclosure sale occurred on September 2, 2024, transferring the property to Deutsche Bank. Deutsche Bank then filed an unlawful detainer action in Tennessee General Sessions Court. Plaintiffs filed the present suit in Chancery Court asserting claims including wrongful foreclosure, fraud, negligence, and FDCPA violations, all premised on the alleged impropriety of the foreclosure sale.

PROCEDURAL HISTORY

Plaintiffs filed suit in Shelby County Chancery Court. Defendants removed to federal court. Plaintiffs filed an amended complaint. Deutsche Bank and NewRez filed a joint motion to dismiss (ECF Nos. 12, 13). Mackie Wolf filed a separate motion to dismiss (ECF No. 14). The court granted Deutsche Bank's motion in part (on Colorado River abstention grounds, staying the case) and denied Mackie Wolf's motion as not ripe without prejudice.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Proceedings are stayed pending resolution of the Detainer Action in Tennessee state court. Parties must provide a status report in six months or notify the court within twenty-one days if the state litigation concludes sooner.

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Colorado River Water Conservation Dist. v. United States, 424 U.S. 800 (1976)
- Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp., 460 U.S. 1 (1983)
- Romine v. Compuserve Corp., 160 F.3d 337 (6th Cir. 1998)
- Healthcare Co. Ltd. v. Upward Mobility, Inc., 784 F. App'x 390 (6th Cir. 2019)
- Bates v. Van Buren Township, 122 F. App'x 803 (6th Cir. 2004)
- Int'l Forest Prods. Corp. v. West, No. 3:11–0120, 2011 WL 4056036 (M.D. Tenn. Aug. 8, 2011)
- Kantner Ingredients, Inc. v. All Am. Dairy Prods., Inc., 535 F. Supp. 2d 880 (N.D. Ohio 2008)
- Boyce v. LPP Mortg. Ltd., 435 S.W.3d 758 (Tenn. Ct. App. 2013)
- Johnson v. Hopkins, 432 S.W.3d 840 (Tenn. 2013)
- Drake v. City of Detroit, 266 F. App'x 444 (6th Cir. 2008)
- Weiner v. Klais & Co., 108 F.3d 86 (6th Cir. 1997)
- Epps v. Lauderdale County, 139 F. Supp. 2d 859 (W.D. Tenn. 2000)
- Moir v. Greater Cleveland Reg'l Transit Auth., 895 F.2d 266 (6th Cir. 1990)
- Omnicare, Inc. v. Ind. Dist. Council of Laborers & HOD Carriers Pension & Welfare Fund, 719 F.3d 498 (6th Cir. 2013)
- Montesi v. Nationwide Mut. Ins. Co., No. 2:12-cv-02399-JTF-tmp, 2013 WL 4522905 (W.D. Tenn. 2013)
- Cincinnati Gas & Elec. Co. v. Gen. Elec. Co., 656 F. Supp. 49 (S.D. Ohio 1986)
- Cass River Farms, LLC v. Hausbeck Pickle Co., No. 16-cv-12269, 2016 WL 5930493 (E.D. Mich. Oct. 12, 2016)
- Segall v. Univ. of Tenn. Le Bonheur Pediatric Specialists, No. 2:22-cv-02535-JTF-cgc, 2023 WL 1822882 (W.D. Tenn. Feb. 8, 2023)
- Bank of N.Y. Mellon v. Chamberlain, No. M2021-00684-COA-R3-CV, 2022 WL 3026908 (Tenn. Ct. App. Aug. 1, 2022)
- Bell v. Cadmus, No. E2017-02149-COA-R3-CV, 2018 WL 6787886 (Tenn. Ct. App. Dec. 26, 2018)
- Phone v. Nashville Realty Ventures, No. 17C-1419, 2017 Tenn. Cir. LEXIS 2798 (Davidson Cnty. Cir. Ct. Oct. 2, 2017)
- Johnson Controls, Inc. v. Thomas, No. 07-1011-T-An, 2007 WL 9770104 (W.D. Tenn. June 13, 2007)

- Taylor v. Campanelli, 29 F. Supp. 3d 972 (E.D. Mich. 2014)
- Blake v. Wells Fargo Bank, NA, 917 F. Supp. 2d 732 (S.D. Ohio 2013)

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