

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION**

In re:)	
)	Chapter 7
DAVID A MARRON AND ROBIN H)	Case No. 10-45395-MSH
SOROKO-MARRON)	
)	
Debtors)	
DAVID M. NICKLESS, TRUSTEE)	
)	
Plaintiff)	Adversary Proceeding
)	No. 11-4028
v.)	
)	
HSBC BANK USA, NATIONAL)	
ASSOCIATION, AS INDENTURE)	
TRUSTEE OF THE FIELDSTONE)	
MORTGAGE INVESTMENT TRUST,)	
SERIES 2005-2, MORTGAGE)	
ELECTRONIC REGISTRATION)	
SYSTEMS, INC., U.S. BANCORP, AND)	
U.S. BANK TRUST COMPANY,)	
NATIONAL ASSOCIATION)	
)	
Defendants)	
)	
	0	

ORDER ON TRUSTEE'S MOTION FOR RECONSIDERATION

The trustee seeks reconsideration of my order of January 9, 2012 granting the defendants' motion to dismiss on the grounds that there has been a change in the law based upon the Supreme Judicial Court's solicitation of briefs in *Eaton v. Fed. Nat. Mort. Ass'n*, slip op. C.A. 11-1382 (Mass. Superior Ct. June 17, 2011), appeal pending at SJC. The defendants oppose.

The SJC's order of January 6, 2012 soliciting additional briefs in *Eaton* does not constitute a change in the law. Consequently the motion for reconsideration is denied.

Dated: February 13, 2012

By the Court,

A handwritten signature in black ink, appearing to read 'Melvin S. Hoffman', with a long horizontal flourish extending to the right.

Melvin S. Hoffman
U.S. Bankruptcy Judge

Counsel Appearing: James O'Connor
Fitchburg, MA
Counsel for plaintiff, David M. Nickless, Chapter 7 trustee

Young Han
Boston, MA
Counsel for all defendants