

Bank of America foreclosure dismissal moves forward \$70M jury trial against bank

 Good news foreclosure ruling paves way for TJ Fisher to bring BofA before six jurors

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Bank of America (NYSE:BAC) dropped their [foreclosure](#) case against author [TJ Fisher](#) at a recent [bench trial](#) after bank attorneys missed a court deadline and [Motion-in-limine](#) hearing and were barred from presenting documents or witnesses. Judge [Catherine Brunson](#) of the [15th Judicial Circuit of Florida](#) signed the foreclosure [dismissal order](#) and also presides over Fisher's long-running \$70 million legal battle against the nation's second-biggest bank as a defendant. The tangled cases play out in the same courtroom, each case jockeying for crucial court-calendar scheduling and rulings.

"The foreclosure dismissal is a miracle I'm grateful for," Fisher says. "Bank of America intended to heave-ho me from my home before a jury hears my main case against the bank. They're stopped, for now," Fisher says.



TJ Fisher with Colonel Dudley Boudreaux
Waddlesworth, Lady Scotus Cornelia LaRue and
Madame Calliope de Bourbon

Fisher met financial and personal ruin after ex-[Baltimore Raven's](#) football player [Michael McCrary](#) sued her for \$60 million and obtained a subsequent [default judgment](#). The salacious scandal over convoluted Bank of America 2006 transactions between the bank and Fisher's husband embroiled the author after the bank opened an unverified [limited liability company](#) account and took in deposit monies that permeated Fisher's marital life.

The bank's account opening triggered a seven-year nightmare and legal-quagmire odyssey through 14 civil courts for Fisher. Her life in shambles with debt and an impossible-to-pay \$33.3 million judgment, Fisher fought back but could not get out from behind-the-eight-ball untenable situation she was thrust into. She sued Bank of America in 2011 for negligence and responsibility.

The former-NFLer dogged Fisher for years until his parallel suit against Bank of America finally netted him an eight-figure bank settlement, after Fisher sued the bank. Once receiving settlement for the same account opening he sued Fisher over, McCrary refused to extinguish his duplicate claim and legally valid judgment against her. McCrary and his lawyers remain intent on extracting the proverbial pound after pound of flesh and millions of dollars more from Fisher for McCrary's soured business relationship with her husband that pocketed the ex-gridiron an eight million plus profit. McCrary wants more.

The powerful, influential and well-financed bank that consistently ranks as one of American's most hated banks with a high rate of customer dissatisfaction has dodged and delayed a [jury trial](#) for nearly four years in Fisher's headliner case against the bank while simultaneously pursuing foreclosing her from her home. Fisher's attorney [Patrick W. Maraist](#), Esq. filed a 63-page [Motion for Continuance](#) in the foreclosure case to stay the foreclosure on the "[unclean hands](#)" doctrine and the bank's ongoing "[bad faith](#)" tactics to stonewall discovery and stall justice. Maraist did not have to obtain a [court injunction](#) to block foreclosure, this time around. A string of judicial rulings favorable to Fisher rendered his motion unessential.

"Countless prayers have been said on my behalf and candles lit by people from all walks of life—many in far worse predicaments than me. That's very humbling. The collective strength and power of my well-wishers enables me to keep going, and I give thanks for my blessings. The bank bets on grounding me down to dust. They're wrong. They

miscalculated. I'm not going away. I live another day to fight Goliath.”

The improper financial dealings and bank accounts set up by the bank's Palm Beach Vice-President and Branch Manager Peter Kafouros and Fisher's husband are the heart and underbelly of Fisher's Bank of America lawsuit. She seeks compensation for her actual damages and loss suffered and funds to extinguish outstanding financial and judgment debt. This does not include [pain and suffering](#) for what she has endured and [irreparable harm](#) caused.

Fisher's case against the financial behemoth was originally scheduled to begin August 18 with a five-day trial set before a six-panel jury. The bank lost its 11th hour [Motion for Summary Judgment](#) and then requested and received a [continuance](#) days before the trial was to commence. The postponement allowed the bank's competing ancillary foreclosure action to bump ahead on the court [docket](#). This rescheduling subjected Fisher to the possibility of no roof over her head and being forced into a bankruptcy filing before America's "Banking Royalty" of Wall Street ever faced a jury for its alleged financial wrongdoings that unraveled Fisher's life.

The foreclosure reprieve means Fisher's case against Bank of America remains in state court and jury-bound, for the moment. The revolving door of legal motions and court hearings continues. "It takes a toll," Fisher says. "I've fought for years and years without resources and tens of millions of debt to get a jury trial."

Atypical Palm Beacher Fisher fits no mold. Fisher previously divided her time between [Palm Beach](#) and [New Orleans](#) and before losing her historic [Bourbon Street](#) house during seven years of litigation. She credits the people and places of New Orleans for lessons learned in resiliency. Fisher says that her faith, determination, spunk and spirit cannot be obliterated.

Fisher looks to her longtime 86-year-old friend and role model Miss Marion Colbert of [Tremé](#) for inspiration. Miss Marion has known extreme post-Hurricane Katrina [tragedy](#) and loss and hardship that few can comprehend. "You can't argue with God," Miss Marion recently warned Fisher during a visit to her home, "he makes the decisions." Miss Marion remains a beloved, elegant and stalwart matriarch of the 200-year-old Faubourg Tremé community. She presides over the heart of [Creolé culture](#). Everyone listens to Miss Marion.

For now, resilient litigant Fisher has her reprieve. Her major lawsuit moves closer to jury trial where fair and dispassionate jury members will hear the size and scope of Fisher's damages and deliver judgment on the behavior of [Too Big To Fail](#) banking titan Bank of America.



TJ Fisher and Miss Marion Colbert of Tremé, New Orleans

TJ Fisher at her 2008 Faulkner Society book signing and “Juleps in June” benefit with Miss Marion Colbert and Ron Boykins, Upper Garden District, New Orleans



Fisher says she is a victim of banking negligence and owes no penitence to McCrary, merely the default judgment dollars a Baltimore court awarded him against her for the bank account Bank of America wrongly opened and then settled with him over. Her lawsuit begs the question many ask of the bank’s activities and breaches of federal regulations: “Did Bank of America really do that?” Jurors will have an opportunity to see and hear witness testimony, examine documents, learn of missing documents and review Banker Kafouros’ video-taped deposition about the trillion-dollar bank’s business practices. Impartial “finders of fact” will look at evidence and pass verdict on one of the country’s [Big Four](#) banks.

Fisher says the bank’s [pleadings](#) and court arguments seek to tar and feather her, akin to attacking and blaming the victim, perhaps in a hope that jurors will not understand her case’s dramatic twists and turns and nuclear fallout. “Bank lawyers constantly call me ‘THE Fishers’ like I’m a two-headed beast and point at me backwards during court hearing proceedings,” Fisher says. That does not deter her from pursuing justice. Fisher concludes juries are not easily fooled. She believes jurors will clearly grasp how Bank of America actions and inaction sucked her into an inescapable purgatory train wreck.

Fisher offers regular poignant glances into her ongoing struggles, updating those who follow her case and story.

Fisher’s “David” attorney Maraist will argue a pre-trial 3-1/2 hour hearing before Judge Brunson as to why the “Goliath” bank and its [Liebler, Gonzalez & Portuondo](#) law firm should be severely penalized and defaulted for the bank’s numerous discovery failures and apparent arrogant disregard for court rulings. The bank continues to ignore and defy Brunson’s September 12 order to make available to Fisher 100,000 pages of undisclosed relevant documents the bank previously hid and refused to produce. The default hearing against the bank was previously set for November 12 but cancelled and reset for January.

The Liebler law firm not only represents Bank of America in Fisher’s case against the bank but is also the legal counsel on a Bank of America mortgage pass-through foreclosure action against Fisher’s home.

Recent Bank of America scandals include a blockbuster settlement of \$16.65 billion this summer with the Justice Department over the bank’s selling of mortgage securities, and a settlement this month over the alleged manipulation of foreign-exchange rates.

Others say Fisher inspires them with her stamina and faith, her smile and strength, her grace and elegance and a large dose of zany humor while fighting a giant under impossible circumstances.

Fisher tries to live by Miss Marion’s motto “a smile goes a long way” and her “[shake-shake-shake](#) the devil off your back” philosophy. Miss Marion, a lifelong [St. Augustine Catholic Church of New Orleans](#) parishioner, was Brennan’s restaurant beloved powder room attendant for 35 years before the French Quarter landmark abruptly closed under new ownership last year.

“Miss Marion is a wise woman. I made promises to her about my lawsuit and St. Augustine that I intend to keep,” Fisher says.

[Tickin Law Group](#) attorneys [Michael Vater](#) and Tim Quinones represented Fisher in the dismissed foreclosure action. They also represent Fisher in the ongoing second Bank of America mortgage foreclosure case.

“This is a movie of the week,” Fisher says, “an epic [Book-of-Job](#) size fall from grace, but also resiliency and redemption and laying down the missing pieces in an unfinished jigsaw puzzle that will complete the picture to allow a jury to discipline the bank.”

Fisher says she can never return to the person she was at the onset of McCrary suing her. “Change is a natural part of life. Nobody’s life or circumstances remain forever flat, no matter what, it’s a part of the human condition and survival.” She has learned to roll with the punches but anticipates a reversal of fortunes in the near future. “If you have a home, you can handle what life throws you. My own experiences have solidified the importance of supporting causes that aid the homeless and help keep families in their home.”

She adds, “Tragic life occurrences and ‘everyday life issues’ like illness, injury, job loss, accidents, natural disasters, unpaid bills, no income and foreclosure render people homeless. As many as 3.5 million Americans are homeless each year, more than one million of these are children, and on any given night, more than 300,000 children are homeless.”

Fisher, who has worked tirelessly to overcome insurmountable odds to get this far, believes her litigation will soon end with victory. She hopes to share that victory with others. She expects a return to financial strength and self-sufficiency and looks forward to getting back to writing books, philanthropy and making movies instead of fighting lawsuits.

Fisher also looks to the one of America’s greatest heroines, philanthropists and lifelong champion of the destitute “Mother of Orphans” [Margaret Haughery](#) (1813–1882) for strength and inspiration. She has pledged to aid in the restoration of the Irish “[Angel of the Delta](#)” and “[Bread Woman of New Orleans](#)” 1800s marble monument and to continue her legacy.

For more information on TJ Fisher, please visit: [TJ Fisher.com](#) and [TJ Fisher.net](#).

DOWNLOAD LEGAL DOCUMENTS: [Order #1](#) and [Order #2](#)

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TJ Fisher at the Margaret Statue, Lower Garden District, New Orleans