UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

Submitted February 11, 2020
Decided February 25, 2020

Before

KENNETH F. RIPPLE, *Circuit Judge*
DAVID F. HAMILTON, *Circuit Judge*
AMY C. BARRETT, *Circuit Judge*

No. 20-1080	JOSEPH DUNN, et al., Plaintiffs - Appellees v. WELLS FARGO BANK, N.A., Defendant - Appellee APPEAL OF: ADAM HOIPKEMIER
Originating Case Information:	
District Court No: 1:17-cv-00481 Northern District of Illinois, Eastern Division District Judge Manish S. Shah	

The following are before the court:

1. **PLAINTIFFS-APPELLEES' MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY AFFIRMANCE**, filed on January 21, 2020, by Attorney Jonathan Selbin.

2. **APPELLANT'S RESPONSE IN OPPOSITION TO PLAINTIFFS-APPELLEES' MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY AFFIRMANCE**, filed on February 3, 2020, by counsel.

3. **REPLY IN SUPPORT OF PLAINTIFFS-APPELLEES' MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY AFFIRMANCE**, filed on February 7, 2020, by Attorney Jonathan Selbin.

This court has carefully reviewed the final order of the district court, the record on appeal, and the motions papers. Based on this review, the court has determined that any issues which could be raised are insubstantial and that further briefing would not be helpful to the court's consideration of the issues. *See Taylor v. City of New Albany*, 979 F.2d 87 (7th Cir. 1992); *Mather v. Village of Mundelein*, 869 F.2d 356, 357 (7th Cir. 1989) (per curiam) (court can decide case on motions papers and record where briefing would be not assist the court and no member of the panel desires briefing or argument). "Summary disposition is appropriate 'when the position of one party is so clearly correct as a matter of law that no substantial question regarding the outcome of the appeal exists.'" *Williams v. Chrans*, 42 F.3d 1137, 1139 (7th Cir. 1995), *citing Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994).

Hoipkemier argues that Judge Shah said his own testimony was not sufficient to prove his membership in the class. Stated so broadly, such a ruling would not be correct. A class member's own self-serving testimony can be sufficient to establish his or her claim. *Mullins v. Direct Digital, LLC*, 795 F.3d 654, 668—69 (7th Cir. 2015) (affirming class certification and noting that conviction for treason is only type of case in American law where testimony of one witness is legally insufficient to prove a fact). That is not, however, what the district court ruled. The problem here is that Hoipkemier's account was so vague---no dates, no subject matter, and not even whether the calls were "artificial or pre-recorded"---that the court reasonably discounted it in comparison to the evidence from Wells Fargo that Hoipkemier never received one of the disputed types of calls. Accordingly,

IT IS ORDERED that the appellees' motion is **GRANTED**, and the judgment of the district court is summarily **AFFIRMED**.