

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-7047

September Term, 2010

MARY K. RICHARDS,
APPELLANT

FILED ON: DECEMBER 17, 2010

v.

OPTION ONE MORTGAGE CORPORATION AND ALVIN E. GROSS,
APPELLEES

Appeal from the United States District Court
for the District of Columbia
(No. 1:08-cv-00007)

Before: SENTELLE, *Chief Judge*, BROWN, *Circuit Judge*, and WILLIAMS, *Senior Circuit Judge*

J U D G M E N T

Upon consideration of the record from the United States District Court for the District of Columbia and the briefs and arguments, it is

ORDERED AND ADJUDGED that the judgment of the District Court be affirmed.

Appellant Mary Richards, a homebound octogenarian, was the fee simple owner of her home in Northwest Washington, D.C. In 2006, appellant took out a mortgage with Option One Mortgage Corp., for which the monthly payment was almost twice her fixed monthly income. Richards soon defaulted, Option One began foreclosure proceedings, and her home was sold to Alvin Gross in a 2007 foreclosure sale. The District Court granted summary judgment for defendants on her various complaints.

Amicus Curiae in support of appellant argues that the loan was unconscionable under the common law and that appellee failed to provide appellant with notice of the foreclosure proceedings. Although we review a District Court's grant of summary judgment *de novo*, ordinarily we review only arguments that were asserted before the District Court. See *Jicarilla Apache Nation v. U.S. Dept. of the Interior*, 613 F.3d 1112, 1117 (D.C. Cir. 2010). Before the District Court, appellant failed to raise the common law unconscionability claim. In count one of her complaint, appellant, who was represented by counsel, asserted the loan was "unlawful,"

