

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
George Van Wagner,	:	
	:	Adv. Proc. 12-01913 (MG)
Plaintiff,	:	
	:	
v.	:	
	:	
Residential Funding Company, LLC, <i>et al.</i>	:	
	:	
Defendants.	:	
-----X	:	
In re	:	
	:	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,	:	
	:	Chapter 11
	:	
Debtors	:	Jointly Administered
-----X	:	

**ORDER DISMISSING ADVERSARY PROCEEDING PURSUANT TO
FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND (6)**

Upon consideration of the complaint (the “**Complaint**”) filed by *pro se* plaintiff George Van Wagner in the above-captioned adversary proceeding (the “**Adversary Proceeding**”); and upon consideration of the *Debtors’ Motion for Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b) and FRCP 12(b)(5) and (6) or, in the Alternative, Permissive Abstention Pursuant to 28 U.S.C. § 1334(c)(1)* (ECF Doc. # 7) (the “**Debtors’ Motion**”); and upon consideration of the *Defendant Seneca Trustees, Inc.’s Motion to Dismiss* (ECF Doc. # 10) (the “**Seneca Motion**”) and the memorandum of law submitted in support thereof (ECF Doc. # 11); and upon consideration of the *Flaherty Defendants’ Motion to Dismiss Adversary Proceeding Complaint* (ECF Doc. # 20) (the “**Flaherty Motion**”); and upon consideration of the *Motion to Dismiss* filed by Tim Amos and Golden & Amos, PLLC (ECF Doc. # 15) (the “**Amos**



Motion” and, together with the Debtors’ Motion, the Seneca Motion, and the Flaherty Motion, the “**Motions**”); and it appearing that this Court has jurisdiction to consider the Motions pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motions has been given and that no other or further notice is necessary; and upon consideration of the arguments presented in support of the Motions at the hearing held on January 29, 2013 to consider the Motions (the “**Hearing**”); and after due deliberation; it is hereby

ORDERED ADJUDGED, AND DECREED THAT:

1. For the reasons stated on the record at the Hearing, each of the Motions is **GRANTED** as provided in this Order.
2. The Complaint is dismissed with prejudice in its entirety with respect to all non-Debtor defendants pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction, as made applicable to the Adversary Proceeding by Bankruptcy Rule 7012(b).
3. The Complaint is dismissed with prejudice in its entirety with respect to all Debtor defendants pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted, as made applicable to the Adversary Proceeding by Bankruptcy Rule 7012(b).
4. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: February 5, 2013
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge