

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

-----X	:	
Todd A. Williams,	:	
	:	Adv. Proc. 12-01896 (MG)
Plaintiff,	:	
	:	
v.	:	
	:	
GMAC Mortgage, LLC,	:	
Mortgage Electronic Registration Systems,	:	
And Homecomings Financial, LLC	:	
	:	
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)(5) AND (6)**

Upon consideration of the complaint (the “**Complaint**”) filed by *pro se* plaintiff Todd A. Williams in the above-captioned adversary proceeding (the “**Adversary Proceeding**”) against GMAC Mortgage, LLC (“**GMAC**”), Homecomings Financial, LLC (together with GMAC, the “**Debtor Defendants**”), and Mortgage Electronic Registration Systems (collectively with the Debtor Defendants, the “**Defendants**”); and upon consideration of the *Debtors’ Motion for Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b)(5) and (b)(6) or, in the Alternative, Permissive Abstention Pursuant to 28 U.S.C. § 1334(c)(1)* (ECF Doc. # 3) (the “**Motion**”); and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core proceeding pursuant to 28



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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 Motion has been given and that no other or further notice is necessary; and upon consideration of the *Response to Debtors' Motion for Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b)(5) and (b)(6) or, in the Alternative, Permissive Abstention Pursuant to 28 U.S.C. § 1334(c)(1)* (ECF Doc. # 11); and upon consideration of the arguments presented in support of the Motion at the hearing held on January 29, 2013 to consider the Motion (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, the Motion is **GRANTED** as provided in this Order.

2. The Complaint is dismissed with prejudice in its entirety with respect to all Defendants pursuant to Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process and pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted, each as made applicable to the Adversary Proceeding by Bankruptcy Rule 7012(b).

3. 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