

MORRISON | FOERSTER

Pg 1 of 5

1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-0050

TELEPHONE: 212.468.8000

FACSIMILE: 212.468.7900

WWW.MOFO.COM

MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SACRAMENTO, SAN DIEGO,
DENVER, NORTHERN VIRGINIA,
WASHINGTON, D.C.
TOKYO, LONDON, BRUSSELS,
BEIJING, SHANGHAI, HONG KONG

March 20, 2013

Writer's Direct Contact
212.506.7341
NRosenbaum@mofo.com**Delivered via Email and ECF**

Honorable Martin Glenn
United States Bankruptcy Judge
United States Bankruptcy Court for the Southern District of New York
One Bowling Green
New York, NY 10004

Re: GMAC Mortgage, LLC's Request for Extension of Deadline to Respond in
Adversary Proceeding *Solano v. GMAC Mortgage, LLC, et al.*,
Adversary No. 13-01255 (MG)

Dear Judge Glenn:

We are counsel to Residential Capital, LLC, GMAC Mortgage, LLC ("**GMAC Mortgage**") and their debtor affiliates (collectively, the "**Debtors**") in their jointly administered chapter 11 bankruptcy cases, Case No. 12-12020 (MG), and in the above-captioned adversary proceeding (the "**Adversary Proceeding**") initiated by Julio Solano (the "**Plaintiff**"). The thirty-day period from the date of issuance of the summons, by which all Defendants must respond to the complaint filed by the Plaintiff (the "**Complaint**"), assuming proper service of the Complaint,¹ was initially scheduled to run on March 21, 2013 (the "**Response Deadline**").

We write to request that the Court enter an order extending the Response Deadline by approximately thirty days (until April 18, 2013), and rescheduling the pretrial conference currently scheduled for April 11, 2013 to the omnibus hearing on May 14, 2013.

Pursuant to Bankruptcy Rule 9006(b)(1), the Court may extend the time for any act required by the Bankruptcy Rules (with limited exceptions not relevant here) "for cause shown . . . with or without motion or notice." The Debtors are requesting an extension in part to provide the parties time to attempt to identify and agree to a consensual resolution of the

¹ The Debtors have not yet received confirmation that the Plaintiff has properly served the Complaint and summons. The Debtors expressly reserve the right to object in any answer or other responsive pleading to the sufficiency of the Plaintiff's service of process, or lack thereof, if and when effectuated, or any procedural deficiencies in connection with such service of process.



MORRISON | FOERSTER

Honorable Martin Glenn
March 20, 2013
Page Two

various matters Mr. Solano has pending before this Court (including a motion for relief from the automatic stay [Docket No. 2604] and a motion to file a late proof of claim [Docket No. 2935]) or obtain a decision from the Court on those matters. The outcome of Mr. Solano's two motions, whether resolved consensually or otherwise, will likely have an impact on the appropriate direction of the Adversary Proceeding.

The Debtors have previously been in discussions with Mr. Solano's counsel, but have been unable to reach him by phone or email during the past week despite several efforts. Accordingly, the Debtors have not been able to obtain a consensual extension of the time to file an answer.

Additionally, on February 21, 2013, the Debtors filed the *Debtors' Motion Pursuant to 11 U.S.C. §§105(a) and (d), Bankruptcy Rules 1015(c), 2002(m), 7016, and 9007 and Local Bankruptcy Rule 2002-2 for Entry of an Order Approving (A) Supplement to Case Management Order Establishing Mandatory Procedures for Management of Adversary Proceedings Commenced by Borrowers and Former Borrowers and (B) Related Relief* [Docket No. 2994] (the "**Borrower Adversary Procedures Motion**"). The Borrower Adversary Procedures Motion, which seeks approval of mandatory procedures with respect to pending adversary proceedings commenced by borrowers, is scheduled to be heard on March 21, 2013, the same date set for the Debtors' response in the Adversary Proceeding. In the event it is approved by the Court, it will apply to the instant Adversary Proceeding. Among other things, the Borrower Adversary Procedures Motion requires borrower plaintiffs to provide valid contact information to facilitate timely communications regarding their claims, and to engage in an initial meet and confer with the Debtors and SilvermanAcampora. The Borrower Adversary Procedures Motion further provides that no defendant shall be required to file an answer or other response to a complaint until after these requirements have been met, and that the Debtors may seek to dismiss the relevant adversary proceeding in the event a borrower fails to comply with these requirements. The Debtors believe it is appropriate and in the best interests of their estates to extend the Response Deadline until after the hearing on the Borrower Adversary Procedures Motion, in order to provide the Debtors and Mr. Solano with the opportunity to avail themselves of the procedures set forth therein.

For the foregoing reasons, the Debtors respectfully request that the Court extend the Defendants' deadline to answer or otherwise respond to the Complaint until April 18, 2013 (subject to further extension pursuant to any order approving the Borrower Adversary Procedures Motion) and reschedule the pre-trial conference to the omnibus hearing scheduled on May 14, 2013 or such other date as the Court may set at its convenience. A proposed form of order granting such extension is enclosed.

MORRISON | FOERSTER

Honorable Martin Glenn
March 20, 2013
Page Three

Respectfully submitted,

/s/ Norman S. Rosenbaum

Norman S. Rosenbaum

Enclosure

cc: Ronald J. Friedman
Justin S. Krell
Richard Sax

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

_____)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
_____)	
Julio Solano)	
	Plaintiff,)	
)	
v.)	Adv. No. 13-01255 (MG)
)	
GMAC Mortgage LLC and Residential)	
Capital, LLC,)	
)	
Defendants.)	
)	
)	
)	
)	
_____)	

**ORDER EXTENDING DEFENDANTS' DEADLINE TO ANSWER
OR OTHERWISE RESPOND TO ADVERSARY COMPLAINT**

Upon the request (the “**Request**”) of GMAC Mortgage, LLC (“**GMAC Mortgage**”) and the above-captioned debtors and debtors in possession to extend the deadline for each of the above-captioned defendants (the “**Defendants**”) to answer or otherwise respond to the complaint filed in above-captioned adversary proceeding; and it appearing that this Court has jurisdiction to consider the Request pursuant to 28 U.S.C. §§ 157 and 1334; and after due deliberation thereon; it is hereby:

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Request is GRANTED as provided in this Order.

2. The deadline for each Defendant to file an answer or otherwise respond to the complaint in this adversary proceeding is hereby extended through and including April 18, 2013.

3. The pre-trial conference in the adversary proceeding is hereby adjourned from April 11, 2013 to May 14, 2013 at 10:00 a.m. (prevailing Eastern time).

4. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: March __, 2013
New York, New York

THE HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE