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

-----X	:	
Derrick Lytle,	:	
	:	
Plaintiff,	:	Adv. Proc. 12-02069 (MG)
	:	
v.	:	
	:	
GMAC Mortgage, LLC, <i>et al.</i> ,	:	
	:	
Defendant.	:	
-----X	:	
In re	:	
	:	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,	:	
	:	Chapter 11
	:	
Debtors	:	Jointly Administered
-----X	:	

**DECLARATION OF PAUL GALANTE IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S ADVERSARY COMPLAINT**



I, PAUL GALANTE, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the State of New York, and am an associate with the law firm of Morrison & Foerster LLP, counsel for the defendant in this action. I submit this declaration in support of Debtor Defendant's Motion to Dismiss Plaintiff's Adversary Complaint. Except where otherwise indicated, I have personal knowledge of the facts set forth in this declaration and, if called upon as a witness, I could and would testify competently as to these facts.

2. The Supplemental AP Procedures filed in this action on March 26, 2013 require that Plaintiff Derrick Lytle ("Plaintiff") provide Defendants' counsel with contact information by April 2, 2013. To my knowledge, Mr. Lytle never provided this information to Morrison & Foerster LLP.

3. On May 8, 2013, Jeffrey K. Rosenberg of Morrison & Foerster LLP attempted to contact Plaintiff to schedule an initial conference, by sending a letter to Plaintiff via overnight mail directed to the address listed by Plaintiff in the Complaint. Attached hereto as Exhibit A, is a true and correct copy of the letter sent by Jeffrey K. Rosenberg of Morrison & Foerster LLP to Plaintiff Derrick Lytle. To my knowledge, Plaintiff never responded to that letter.

4. On May 16, 2013, I sent a letter asking Mr. Lytle to call me immediately and informing him that if he did not, we would file a motion to dismiss this Adversary Proceeding due to his failure to participate in an initial conference and to comply with the Supplemental AP Procedures. Attached hereto as Exhibit B, is a true and correct copy of the letter I sent to Plaintiff Derrick Lytle. Plaintiff never contacted me in response to that letter.

5. On May 30, 2013, the Debtor Defendants filed a Progress Report with this Court, as required by the Supplemental AP Procedures, stating that they planned to move to dismiss Plaintiff's Complaint because he had failed to comply with the Supplemental AP Procedures. [AP Docket 18]. Plaintiff never contacted me, or to my knowledge any other of the Debtor Defendant's counsel after the Debtor Defendants filed the Progress Report.

6. On August 30, 2013 I reviewed the Case Management/Electronic Case Files (CM/ECF) for this Adversary Proceeding. As of that date the docket text provides no indication that Mr. Lytle paid a filing fee. The case status in the upper right hand corner of CM/ECF states "FeeDueAP[.]"

I declare under penalty of perjury under the laws of the law of the United States of America that the foregoing is true and correct.

Executed this 5th day of September, 2013, at New York, New York.

/s/ Paul A. Galante

Paul A. Galante