

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

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Todd A. Williams,	:	
	:	Adv. Proc. 13-01309 (MG)
Plaintiff,	:	
	:	
v.	:	
	:	
GMAC Mortgage, 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

Upon consideration of the complaint (the “**Complaint**”) filed by *pro se* plaintiff Todd A. Williams (“**Plaintiff**”) in the above-captioned adversary proceeding (the “**Adversary Proceeding**”) against GMAC Mortgage, LLC (“**GMAC**”), Homecomings Financial, LLC (together with GMAC, the “**Debtor Defendants**”), and upon consideration of the *Debtor Defendants’ Motion to Dismiss Plaintiff’s Adversary Complaint* (ECF Doc. # 7) (the “**Motion**”) and the declaration of Paul Galante (ECF Doc. # 8) submitted in support thereof; 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 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 the Court having held a hearing (the “**Hearing**”) on the Motion on September 24, 2013; and upon consideration of the arguments presented in support of the Motion at 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 in its entirety with respect to all Defendants for Plaintiff’s failure to comply with the mandatory provisions of the Supplemental AP Procedures, as defined in, and made applicable to, the Adversary Proceeding under the *Order Approving 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* (ECF # 3293) entered in the above-captioned chapter 11 cases, and pursuant to Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process 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: October 4, 2013
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge