

Hearing Date/Time: December 17, 2013 at 10:00 a.m.
Objection Deadline: December 10, 2013 at 4:00 p.m.

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

-----X
In re:

RESIDENTIAL FUNDING COMPANY LLC,

Debtor.
-----X

Chapter 11

Case No. 12-12019 (MG)

MARION L. JENKINS AND
SHARON JENKINS,

Plaintiffs,

Adv. Proc. No. 12-01935 (MG)

v.

RESIDENTIAL FUNDING COMPANY LLC,
MORTGAGE LENDERS NETWORK, USA INC.,
SHAPIRO & SWERTFEGER, LLP,
JACK L. SWERTFEGER JR.,
GERALD M. SHAPIRO,
AMERICA'S SERVICING COMPANY,
MORTGAGE ELECTRONIC REGISTRATION
SYSTEM, US BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR RASC 2006-EMX4,
EMAX FINANCIAL GROUP LLC,
MICHELE MORALES, AND JUDY FABER,

Defendants.
-----X

NOTICE OF MOTION TO DISMISS THE ADVERSARY COMPLAINT

PLEASE TAKE NOTICE that Wells Fargo Bank, N.A. d/b/a America's Servicing Company and U.S. Bank, National Association, as Trustee for RASC 2006-EMX4 (together, the "Defendants"), will move this court before the Honorable Martin Glenn, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004 on **December 17, 2013 at 10:00 a.m.** for an order dismissing the adversary complaint, in its entirety.

PLEASE TAKE FURTHER NOTICE that any opposition to this motion must be in writing, conform to the Federal Rules of Bankruptcy Procedure, the Local Rules of the Bankruptcy Court, and be filed electronically by registered users of this Court's electronic filing



system, and be served, so as to be received no later than **December 10, 2013 at 4:00 p.m.**, by (i) the chambers of the Honorable Martin Glenn, United States Bankruptcy Judge, One Bowling Green, New York, New York 10004, and (ii) counsel for the Defendants, Hogan Lovells US LLP, 875 Third Avenue, New York, New York 10022, Attention: Lisa Fried, Esq. and Brian Grieco, Esq.

Dated: New York, New York
November 12, 2013

Respectfully Submitted,

HOGAN LOVELLS US LLP

By: /s/ Brian Grieco
David Dunn
Brian Grieco
875 Third Avenue
New York, New York 10022
Tel: (212) 918-3000
Fax: (212) 918-3100

*Counsel for Defendants Wells Fargo Bank,
N.A. and U.S. Bank, National Association,
as Trustee for RASC 2006-EMX4*

TO: Attached Service List

SERVICE LIST

Marion L. Jenkins and Sharon Jenkins 405 Grant Park Place Atlanta, GA 30315	Bradley Arant Rose & White LLP 1819 Fifth Avenue North Birmingham, AL 35203 Attn: Christopher L. Hawkins, Esq.
Mortgage Electronic Registration System, Inc. 1818 Library Street, Suite 300 Reston, VA 20190	Mortgage Lenders Network USA Inc. Middlesex Corporate Center 213 Court Street, 11 th Floor Middletown, CT 06457
Shapiro & Swertfeger LLP Buke Building, Suite 100 2872 Woodcock Boulevard Atlanta, GA 30341	Morrison & Foerster LLP 1290 Avenue of the Americas New York, NY 10104—0050 Attn: Norm Rosenbaum, Esq. James Newton, Esq.