

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN REF,

RESIDENTIAL CAPITAL, LLC, ET AL.,

DEBTORS

MARION L. JENKINS AND SHARON JENKINS,

Plaintiff,

vs.

RESIDENTIAL FUNDING COMPANY, LLC,

Defendant

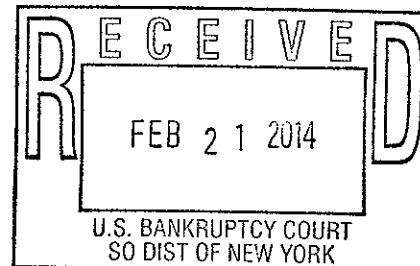
Case No.: 12-12020(MG) / Adv. Case No. 12-01935

PLAINTIFF/APPELLANT STATEMENT OF ISSUES  
TO BE PRESENTED ON APPEAL

Marion L. Jenkins, in the above-captioned case, and Appellant in the appeal (the "Appeal")  
Appel of the order of the United States Bankruptcy Court for the Southern District of New York  
dismissing his Chapter 13 Bankruptcy case.

1. Whether the United States Bankruptcy Court for the Southern District of New York erred,  
as a matter of law, in dismissing Plaintiff case for failing to file documents.
2. Whether the Bankruptcy Court abused its discretion in dismissing Plaintiff case.

  
MARION L. JENKINS AND SHARON JENKINS



IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN REF,	Case No.: 12-12020(MG) / Adv. Case No. 12-01935
RESIDENTIAL CAPITAL, LLC, ET AL.,	
DEBTORS	PLAINTIFF/APPELLANT STATEMENT OF ISSUES
MARION L. JENKINS AND SHARON JENKINS,	TO BE PRESENTED ON APPEAL
Plaintiff,	
vs.	
RESIDENTIAL FUNDING COMPANY, LLC,	
Defendant	

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 8007-1 of the Local Bankruptcy Rules for the Northern District of Georgia, the Plaintiff in the above-captioned cases (collectively, the “Plaintiff”) provide the following designation of items to be included in the record on appeal [Docket No. 51] in connection with the Notices of Appeal [Docket Nos. 1 thru 52 and] filed by appellant Marion L. Jenkins and Sharon Jenkins (“Appellant”).

oc. No.	D	Dates	Description
	<i>Filed</i>	11/09/2012	Ⓢ Receipt of
& Entered:			Adversary Proceeding
	<i>Filed</i>	11/09/2012	Ⓢ Complaint
& Entered:			

1		<i>Filed</i>	11/09/2012	③ Third-
2	& Entered:			Party Summons
3		<i>Filed</i>	11/09/2012	③ Letter
4	& Entered:			
5		<i>Filed:</i>	11/09/2012	③ Certificate
6		<i>Entere</i>	11/14/2012	2 of Service
7	d:		2	
8		<i>Filed</i>	11/14/2012	③ Summons
9	& Entered:			with Notice of Pre-Trial
10		<i>Filed</i>	12/13/2012	Conference
11	& Entered:			③ Letter
12		<i>Filed</i>	12/14/2012	③ Letter
13	& Entered:			
14		<i>Filed</i>	12/14/2012	③ Memorandum Endorsed Order
15	& Entered:		01/21/2013	③ Motion to
16		<i>Filed &amp;</i>	01/22/2013	Dismiss Adversary Proceeding
17	Entered:	<i>Terminat</i>	03/28/2013	③ Motion to
18	ed:			Approve
19		<i>Filed</i>	01/24/2013	③ Auto-
20	& Entered:			docket of credit card
21		<i>Filed &amp;</i>	01/24/2013	③ Applicatio
22	Entered:	<i>Terminat</i>	01/24/2013	n for Pro Hac Vice
23	ed:			Admission
24		<i>Filed</i>	01/24/2013	③ Order Re:
25	& Entered:			Application for Pro Hac
26		<i>Filed:</i>	01/28/2013	Vice
27		<i>Entere</i>	01/29/2013	③ Notice
28	d:			3 (GENERIC)
		<i>Filed:</i>	01/30/2013	③ Transcript
		<i>Entere</i>	02/06/2013	
	d:			

1		<i>Filed</i>			
2	& Entered:		01/31/2013	Adjournment of Hearing	③ Notice of
3		<i>Filed</i>			③ Affidavit
4	& Entered:		02/06/2013	of Service	
5		<i>Filed</i>			③ Transcript
6	& Entered:		02/14/2013	Adjournment of Hearing	③ Notice of
7		<i>Filed</i>			③ Affidavit
8	& Entered:		02/22/2013	of Service	
9		<i>Filed</i>			③ Notice of
10	& Entered:		02/27/2013	Appearance in Adversary Proceeding	
11		<i>Filed</i>			③ Notice of
12	& Entered:		03/04/2013	Adjournment of Hearing	
13		<i>Filed</i>			③ Affidavit
14	& Entered:		03/08/2013	of Service	
15		<i>Filed</i>			③ Auto-
16	& Entered:		03/15/2013	docket of credit card	
17		<i>Filed &amp;</i>			③ Applicatio
18	Entered:		03/15/2013	n for Pro Hac Vice	
19		<i>Terminat</i>			③ Admission
20	ed:		03/15/2013		
21		<i>Filed</i>			③ Order Re:
22	& Entered:		03/15/2013	Application for Pro Hac Vice	
23		<i>Filed</i>			③ Transcript
24	& Entered:		03/25/2013		
25		<i>Filed</i>			③ Order Re:
26	& Entered:		03/28/2013	Motion to Approve	
27		<i>Filed</i>			③ Affidavit
28	& Entered:		04/10/2013	of Service	
		<i>Filed</i>			③ Notice of
	& Entered:		04/29/2013	Adjournment of Hearing	
		<i>Filed:</i>			③ Transcript
			05/15/2013		
		<i>Entere</i>			
	d:		05/16/2013		
		<i>Filed</i>			③ Notice of
	& Entered:		05/16/2013	Adjournment of Hearing	

1		<i>Filed</i>	05/16/2013	Ⓢ Affidavit
2	& Entered:		of Service	
3		<i>Filed</i>	05/20/2013	Ⓢ Amended
4	& Entered:		Complaint	
5		<i>Filed</i>	05/20/2013	Ⓢ Affidavit
6	& Entered:		of Service	
7		<i>Filed:</i>	06/13/2013	Ⓢ Transcript
8		<i>Entere</i>	06/17/2013	
9	d:			
10		<i>Filed</i>	07/12/2013	Ⓢ Motion to
11	& Entered:		Dismiss Adversary	
12			Proceeding	
13		<i>Filed:</i>	08/09/2013	Ⓢ Notice
14		<i>Entere</i>	08/16/2013	
15	d:			
16		<i>Filed</i>	08/14/2013	Ⓢ Notice of
17	& Entered:		Adjournment of Hearing	
18		<i>Filed</i>	08/16/2013	Ⓢ Affidavit
19	& Entered:		of Service	
20		<i>Filed:</i>	08/29/2013	Ⓢ Transcript
21		<i>Entere</i>	08/30/2013	
22	d:			
23		<i>Filed</i>	09/18/2013	Ⓢ Written
24	& Entered:		Opinion	
25		<i>Filed</i>	09/18/2013	Ⓢ Certificate
26	& Entered:		of Service	
27		<i>Filed</i>	09/25/2013	Ⓢ Affidavit
28	& Entered:		of Service	
		<i>Filed</i>	11/12/2013	Ⓢ Motion to
	& Entered:		Dismiss Adversary	
			Proceeding	
		<i>Filed</i>	11/12/2013	Ⓢ Memoran
	& Entered:		dum of Law	
		<i>Filed</i>	11/13/2013	Ⓢ Affidavit
	& Entered:		of Service	
		<i>Filed</i>	12/04/2013	Ⓢ Statement
	& Entered:			

1  
2                   *Filed*                   12/09/2013                   ③ Affidavit  
3                   & Entered:                   of Service  
4                   *Filed:*                   12/12/2013                   ③ Oppositio  
5                   *Entere*                   12/17/2013  
6                   d:                   3  
7                   *Filed:*                   12/27/2013                   ③ Transcript  
8                   *Entere*                   01/13/2014  
9                   d:                   4  
10                   *Filed*                   01/24/2014                   ③ Written  
11                   & Entered:                   Opinion  
12                   *Filed:*                   02/03/2014                   ③ Motion to  
13                   014 Reconsider Dismissal of  
14                   Entered:                   02/05/2014 Case  
15                   014  
16                   Terminat                   02/14/2014  
17                   ed:                   014  
18                   *Filed*                   02/14/2014                   ③ Order Re:  
19                   & Entered:                   Motion to Reconsider  
20                   Dismissal of Case  
21  
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MARION L. JENKINS AND SHARON JENKINS

**CERTIFICATE OF SERVICE**

I Marion L. Jenkins and Sharon Jenkins, certify that on the 17<sup>th</sup> day of February, 2014 a true and correct copy of the Plaintiff designation of the Record was forwarded via U.S. Mail, first class postage prepaid and properly addressed, to the following a the addresses shown below:

1. Stefan W. Engelhardt, MORRISON & FOERSTER LLP  
1290 Avenue of the Americas New York, NY 10104
2. Residential Funding Company, LLC 8400 Normandale Lake Blvd Suite 350  
Minneapolis, MN 55437
3. Mortgage Lenders Networks, USA Inc. Middlesex Corporate Center 213 Court Street 11<sup>th</sup> floor  
Middletown, CT 06457
4. Christopher L. Hawkins BRADLEY ARANT ROSE & WHITE LLP  
1819 Fifth Avenue North Brimingham, Al 35203
5. U.S. Bank National As Trustee for RASC 2006-emx 4  
Attn: Brian J. Grieco  
1819 Fifth Avenue North Birmingham, AL 35203
6. Kurtzman Carson Consultants LLC 2335 Alaska Avenue El Segundo, CA 90245
7. Shapiro & Swerfeger, LLP Buke Building Suite 100 2872 Woodcook Blvd Atlanta, GA 30341.



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MARION L. JENKINS AND SHARON JENKINS