

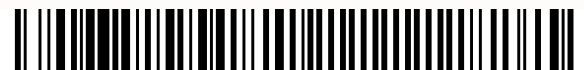
March 18, 2015

Ms. Fredericks, in reference to our conversation, this complaint is against **Vito Genna. Case Number 13-01350, Document Number 16.** I spoke with records today to get the Document Numbe. I have an official copy in my storage, it was easier for me to just call the court. I feel the way my case was handled is unethical. The opposing counsel was the judge law clerk at one point. I feel this is a case of discrimination, because I'm African American and Pro Se. I am pro se in this case, however, there are laws that protect my rights and must be followed. **An entry of Default was issued after I filed an appeal, then it was recalled. It is strange it was issued 6 mos. late. If the Entry of Default was issued when it should have been, there would not have been a reason for me to appeal. This a violation of justice. Please investigate this complaint.**

Respectfully,



Alfredia Pruitt 770-668-3915



1212020150429000000000004

March 18, 2015

Summary of Complaint, in case it is not legible on sheet: I filed a motion for Entry of Default Judgment on June 30, 2013, by law it should have been issued. I feel it is an act of Discrimination, based on the fact that I'm African American and I'm prose. Justice should be allowed according to the law.

Name of subject of complaint is the Bankruptcy Court Clerk-Southern District of New York Bankruptcy Court, One Bowling Green, New York, NY 10004. Case No: **12-12020** and Adversary Proceeding **No: 13-01350**

Respectfully,

  
Alfredia Pruitt

4499 Beacon Hill Dr  
Juliana GA 30047  
770-668-3915

This is filed under Case No:  
13-01350. Document No: 16

On May 31, 2013, A Summons and Notice of Pre-Trial Conference was issued in case No: 12-12020 (MG), Adversary Proceeding No: 13-01350. On June 4, 2013, I mailed a copy of the Summons and notice of pretrial to GMAC and residential Capital LLC. And Morrison and Foerster LLP(Exhibit of Proof attached). The court fixed a deadline for the defendants to answer, or motion 30 days from May 31, 2013, which would have been July 1, 2013. The complaint was served on June 4, 2013 overnight by United Postal Service (Exhibit of Proof attached). The affidavit of service was filed on May 24, 2013. **DEFENDANT NEVER RESPONDED TO THE COMPLAINT.** Defendants filed an **UNTIMELY MOTION TO DISMISS** on 10/4/2013, claiming the defense of res judicata. Not only was the Motion untimely, the defense filed the motion **without pleading** the defense. Rule 8(c) plainly states, res judicata is an affirmative defense that must be plead, it cannot be filed by a dispositive motion alone. GMAC filed a **UNTIMELY** dispositive motion only, without answering to the complaint, and Summons. A defendant who is served with a summons and complaint has two options in defending the case:

1. **File an Answer** – within 21 days (or 60 days if the defendant is a federal government agency or employee) the defendant may file an answer with the Court.
2. **File a Motion to Dismiss** – Within 21 days (or 60 days if the defendant is a federal government agency or employee) the defendant may file a motion to dismiss for any of the reasons listed in Rule 12 of the Federal Rules of Civil Procedure.
3. **Do nothing** – The defendant may do nothing

If the defendant fails to either to answer the complaint or to move to dismiss the complaint, the **plaintiff** may ask the Court to enter a default judgment against the defendant in accordance with Rule 55 of the Federal Rules of Civil Procedure. A default judgment means that the **plaintiff “wins”** the case and can now collect damages from the defendant without ever having to prove his/her allegations.

If a default judgment is entered improperly against the defendant, the defendant may file a **motion to vacate** the default judgment under Rule 50 of the Federal Rules of Civil Procedure. If the defendant can demonstrate sufficient grounds for the motion to vacate, the case may be re-opened. I have faith in our judicial system, although I have been treated unethical.

Respectfully,  
Alfredia Pruitt  
770-668-3915



Details of Complaint:

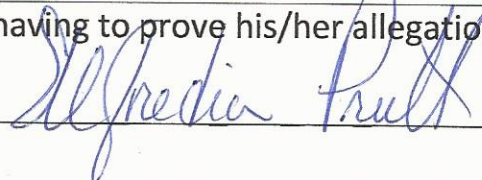
In the space below, please describe the alleged misconduct. Include as much detailed information as possible, such as what happened, where and when; the names of witnesses; who said what to whom, and in what tone of voice; etc. Use additional sheets if necessary.

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Print Form

Signature: 

Details of Complaint:

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Print Form

Signature: \_\_\_\_\_

*Shredia Punt*



Details of Complaint:

In the space below, please describe the alleged misconduct. Include as much detailed information as possible, such as what happened, where and when; the names of witnesses; who said what to whom, and in what tone of voice; etc. Use additional sheets if necessary.

**Rule 55. Default; Default Judgment**

**(a) ENTERING A DEFAULT.** When a party against whom a judgment for-affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

**(b) ENTERING A DEFAULT JUDGMENT**

- (1) By the Clerk.** If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk-on the plaintiff's request, with an affidavit showing the amount due-must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.
- (2) By the Court.** In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incompetent person only if represented by general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing. The court may conduct hearings or make referrals-preserving any federal statutory right to a jury trial-when, to enter or effectuate judgment, it needs to:
  - (A) Conduct an accounting**
  - (B) Determine the amount of damages;**
  - (C) Establish the truth of any allegation by evidence; or**
  - (D) Investigate any other matter.**

Print Form

Signature: 

**UNITED STATES BANKRUPTCY COURT  
Southern District of New York**

In re: Residential Capital, LLC

Bankruptcy Case No.: 12-12020-mg

Alfredia Pruitt

Plaintiff(s),

-against-  
GMAC

Adversary Proceeding No. 13-01350-mg

Defendant(s)

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE  
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days, to:

**Address of Clerk:**

**Clerk of the Court  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004-1408**

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

**Name and Address of  
Plaintiff's Attorney:**

**Alfredia Pruitt**

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

Room: Courtroom 501 (MG), One Bowling  
Green, New York, NY 10004-1408

Date and Time: 7/10/13 at 10:00 AM

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Dated: 5/28/13

Vito Genna

*Clerk of the Court*

By: /s/ Jeanelle Dawes

*Deputy Clerk*



Alfredia Pruitt Plaintiff  
Pro SE

(List the name(s) of the plaintiff(s)/petitioner(s).)

Civ. ( ) ( )

against -

**AFFIRMATION OF SERVICE**

GMAC /  
Residential Capital LLC, ET AL  
Debtor

Bankruptcy Case No 12-12020-MC  
Adversary Proceeding - 13-01350-mg

(List the name(s) of the defendant(s)/respondent(s).)

I, (print your name) Alfredia Pruitt, declare under penalty of perjury that I  
served a copy of the attached (list the names of the documents you served): Summons and  
Notice of Pretrial Conference in AP

upon all other parties in this case by (state how you served the documents, for example, hand delivery,  
mail, overnight express) express mail / Certified to the

following persons (list the names and addresses of the people you served):

Morrison + Foerster LLP  
1790 Avenue of the Americas New York, NY 10104  
Gary S Lee Todd M. Green Alexandra Barragat Jennifer Marines Counsel for Debtor  
Silverman K Campora LLP 100 Jericho Quadrangle Ste 300 Jericho NY 11753  
Special Borrowers Counsel  
On (date you served the document(s))

June 4, 2013  
Dated

Alfredia Pruitt  
Signature  
4574 Creek Forest Ct  
Address  
Lilburn GA 30047  
City, State  
30047  
Zip  
770-668-3915  
Telephone Number  
alfredia.pruitt@gmail.com  
E-Mail Address

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 (800)275-8777

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