

**United States Bankruptcy Court
Southern District of New York**

In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, et al.,)	Chapter 11
)	
Debtors.)	Jointly Administered
)	
Gwendolyn B. Hawthorne)	
)	
Plaintiff,)	
)	Adv. No. 12-02050 (MG)
v.)	
)	
GMAC Mortgage, LLC, U.S. Bank)	
National Association, GMFS LLC, Judy)	
Faber, Vice President, Brenda Guidry,)	
and Mortgage Electronic Registration)	
System Inc., and Duane Thompson,)	
Assistant Secretary Mortgage Electronic)	
Registration Systems Inc, as Nominee)	
for GMFS, LLC, Residential Funding)	
Corporation)	
)	
Defendants.)	

AMENDED SCHEDULING ORDER

WHEREAS, on or about November 29, 2012, Gwendolyn B. Hawthorne (“Plaintiff”) filed (i) proof of claim #6273 against U.S. National Bank Association, asserting a secured claim in the amount of \$145,821.97, and an unsecured claim in the amount of \$454,178.03, and (ii) proof of claim #6274 against GMAC Mortgage, LLC (“GMACM”), as servicer for U.S. Bank, asserting a secured claim in the amount of \$145,821.97, and an unsecured claim in the amount of \$454,178.03 (together, the “Proofs of Claim”), in each case, in connection with Plaintiff’s mortgage loan with respect to the property located at 2377 Scott Oaks Trail SW, Marietta GA 30008; and



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WHEREAS, on November 29, 2012, Plaintiff filed in the above-captioned adversary proceeding (the “Adversary Proceeding”) the *Complaint to Determine Nature and Extent of Liens* [Docket No. 1] against Debtor GMACM, Debtor Residential Funding Corporation (“RFC”), and certain non-Debtor defendants, which asserts, *inter alia*, causes of action allegedly arising from GMACM’s servicing of the mortgage loan; and

WHEREAS, on November 20, 2013, this Court entered an order reclassifying proof of claim #6273 as an unsecured claim in the aggregate amount of \$600,000 and re-designating proof of claim #6273 as a claim against Debtor Homecomings Financial, LLC (“Homecomings”) [Docket No. 5895]; and

WHEREAS, the ResCap Liquidating Trust and the ResCap Borrower Claims Trust (together, the “Trusts”, and together with Plaintiff, the “Parties”) and Plaintiff engaged in discussions regarding a potential resolution of the Adversary Proceeding and the Proofs of Claim and have been unable to reach a resolution at this time; and

WHEREAS, the ResCap Liquidating Trust, as successor in interest to GMACM and RFC, intends to file a motion to dismiss the Complaint (the “Motion to Dismiss”); and

WHEREAS, the ResCap Borrower Claims Trust, as successor in interest to GMACM and Homecomings with respect to Borrower Claims, intends to file an objection to the Proofs of Claim (the “Claims Objection”); and

WHEREAS, the Proofs of Claim and the Adversary Proceeding involve substantially similar factual issues, claims, and causes of action with respect to GMACM, RFC, and Homecomings; and

WHEREAS, the Trusts desire to resolve the Adversary Proceeding and Proofs of Claim in a single, consolidated proceeding for purposes of judicial efficiency; and

WHEREAS, at the status conference held on July 13, 2016, the Court directed the ResCap Liquidating Trust to coordinate the preparation of a proposed scheduling order with respect to the Adversary Proceeding and the Proofs of Claim; and

WHEREAS, the Trusts have advised the Court that the Trusts reached out to Plaintiff to prepare a joint stipulation and proposed scheduling order and Plaintiff did not respond; and

NOW THEREFORE, in consideration of the foregoing recitals, which are incorporated into this Scheduling Order, IT HEREBY ORDERED that:

1. The Motion to Dismiss and the Claims Objection will be heard jointly and resolved through a single, consolidated proceeding.
2. The Adversary Proceeding shall be the sole proceeding in which to resolve any and all claims Plaintiff may have arising in connection with any and all of the transactions at issue in the Proofs of Claim, and the Proofs of Claim shall be limited to the amount of any final judgment obtained in the Adversary Proceeding.
3. The Trusts may (but are not required to) file a single joint pleading (the “Combined Claims Objection/ Motion to Dismiss”) consolidating the ResCap Borrower Claims Trust’s Claims Objection and the ResCap Liquidating Trust’s Motion to Dismiss.
4. The Trusts must file and serve their Combined Claims Objection/ Motion to Dismiss by **September 30, 2016**.
5. Plaintiff must file and serve any objection to the Motion to Dismiss and response to the Claims Objection by **October 21, 2016**.
6. The Trusts must file and serve any reply in further support of their Combined Claims Objection/ Motion to Dismiss by **November 10, 2016 at 12:00 p.m. (Eastern)**.

7. A hearing on the Combined Claims Objection and Motion to Dismiss (the “Hearing”) will take place on **November 17, 2016 at 11:00 a.m. (Eastern)** before the Honorable Martin Glenn, at the United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004-1408, Room 501.

8. Plaintiff is authorized to attend the hearing telephonically.

9. This Court shall retain jurisdiction to hear all matters or disputes arising from or related to this Order.

IT IS SO ORDERED.

Dated: September 27, 2016
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge

Certificate of Notice Pg 5 of 5
 United States Bankruptcy Court
 Southern District of New York

Hawthorne,
 Plaintiff

Adv. Proc. No. 12-02050-mg

GMAC MORTGAGE, LLC,
 Defendant

CERTIFICATE OF NOTICE

District/off: 0208-1

User: dtetzlaff
 Form ID: pdf001

Page 1 of 1
 Total Noticed: 3

Date Rcvd: Sep 27, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 29, 2016.

aty +Larren M. Nashelsky, Morrison & Foerster LLP, 1290 Avenue of the Americas,
 New York, NY 10104-4199
 cna +Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, CA 90245-4808

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 ust +E-mail/Text: ustpreregion02.br.ecf@usdoj.gov Sep 27 2016 19:38:07 United States Trustee,
 Office of the United States Trustee, U.S. Federal Office Building,
 201 Varick Street, Room 1006, New York, NY 10014-9449

TOTAL: 1

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

unk Duane Thompson
 dft GMAC MORTGAGE, LLC
 pla Gwendolyn B. Hawthorne
 unk Judy Faber
 dft The Post-Effective Date Debtors and The ResCap Liq
 unk The ResCap Liquidating Trust
 dft The ResCap Liquidating Trust and The ResCap Borrow
 unk U.S. BANK NATIONAL ASSOCIATION

TOTALS: 8, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 29, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 27, 2016 at the address(es) listed below:

Brett D. Goodman on behalf of Unknown U.S. BANK NATIONAL ASSOCIATION
 brett.goodman@troutmansanders.com, harriet.cohen@troutmansanders.com;nymc@troutmansanders.com
 Norman Scott Rosenbaum on behalf of Defendant GMAC MORTGAGE, LLC nrosenbaum@mofo.com,
 norman-rosenbaum-4589@ecf.pacerpro.com

TOTAL: 2