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 GMAC Mortgage, LLC*

**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

\_\_\_\_\_  
 BEVERLIE ROSEBERRY, 3900 )  
 OLDFIELD CROSSING DRIVE )  
 APT 215 )  
 JACKSONVILLE, FL 32223, )

Plaintiff, )

vs. )

Adv. Proc. No. 16-01202 (MG)

GMAC MORTGAGE, LLC; OCWEN )  
 LOAN SERVICING LLC; ALDRIDGE )  
 PITE, LLP a/k/a ALDRIDGE )  
 CONNORS, LLP AND DEUTSCHE )  
 BANK NATIONAL TRUST )  
 COMPANY, )

Defendants. )  
 \_\_\_\_\_



GWENDOLYN B. HAWTHORNE

PLAINTIFF,

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.

Adv. No. 12-02050 (MG)

**PROPOSED AGENDA FOR MATTERS SCHEDULED TO BE HEARD  
ON NOVEMBER 17, 2016 AT 11:00 A.M. (PREVAILING EASTERN TIME)**

Location of Hearing: United States Bankruptcy Court for the Southern District of New York,  
Alexander Hamilton U.S. Custom House, Courtroom 523, One Bowling Green, New York, NY  
10004-1408

**I. ADJOURNED ADVERSARY PROCEEDING MATTERS**

***Roseberry v. GMAC Mortgage, LLC (Adv. Proc. No. 16-01202 (MG))***

1. Aldridge Pite, LLP's Motion to Dismiss Complaint for Failure to State a Claim Upon Which Relief Can Be Granted; Or, in the Alternative, More Definitive Statement [Docket No. 5]

**Related Document(s):**

- a. Complaint to Determine Liens and Non-Dischargeability of Debt and Request for Stay of Foreclosure Until the Validity of Note can be Determined and to Determine Nature, Extent and Validity of Lien and Debt as Void Pending Outcome of Litigation [Docket No. 1]

- b. Letter Requesting Adjournment of Hearing on Aldridge Pite, LLP's Motion to Dismiss Complaint for Failure to State a Claim Upon Which Relief Can Be Granted; Or, in the Alternative, More Definitive Statement [Docket No. 4]
- c. Notice of Adjournment of Hearing on Aldridge Pite, LLP's Motion to Dismiss Complaint for Failure to State a Claim Upon Which Relief Can Be Granted; Or, in the Alternative, More Definitive Statement [Docket No. 8]

**Response(s):** None.

**Status:** The hearing on this matter has been adjourned to January 26, 2017.

## **II. ADVERSARY PROCEEDING MATTERS**

### ***Hawthorne v. GMAC Mortgage, LLC (Adv. Proc. No. 12-02050 (MG))***

- 2. Joint Motion of the ResCap Liquidating Trust and the ResCap Borrower Claims Trust for (I) Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b) and FRCP 12(b)(6), and (II) Disallowance of Proofs of Claim Nos. 6273 and 6274 Filed by Plaintiff [Docket No. 40]

**Related Document(s):**

- a. Complaint to Determine Nature and Extent of Liens [Docket No. 1]
- b. Amended Scheduling Order [Docket No. 36]
- c. Certificate of No Objection Regarding Joint Motion of the ResCap Liquidating Trust and the ResCap Borrower Claims Trust for (I) Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b) and FRCP 12(b)(6), and (II) Disallowance of Proofs of Claim Nos. 6273 and 6274 Filed by Plaintiff [Docket No. 46]

**Response(s):**

- a. Motion of Defendants Mortgage Electronic Registration System, Inc., Duane Thompson, Judy Faber and U.S. Bank National Association to Dismiss Plaintiff's Complaint to Determine Nature and Extent of Liens Pursuant to 11 U.S.C. 506(a) for Failure to State a Claim Upon Which Relief Can be Granted, Lack of Personal Jurisdiction and Insufficient Service of Process and Limited Joinder of Points and Authorities in Support of Dismissal from Joint Motion of the ResCap Liquidating Trust and the ResCap Borrower Claims Trust for (I) Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b) and FRCP 12(b)(6), and (II) Disallowance of Proofs of Claim Nos. 6273 and 6274 Filed by Plaintiff [Docket No. 44]

**Status:** A certificate of no objection has been filed.

3. Motion of Defendants Mortgage Electronic Registration System, Inc., Duane Thompson, Judy Faber and U.S. Bank National Association to Dismiss Plaintiff's Complaint to Determine Nature and Extent of Liens Pursuant to 11 U.S.C. 506(a) for Failure to State a Claim Upon Which Relief Can be Granted, Lack of Personal Jurisdiction and Insufficient Service of Process and Limited Joinder of Points and Authorities in Support of Dismissal from Joint Motion of the ResCap Liquidating Trust and the ResCap Borrower Claims Trust for (I) Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b) and FRCP 12(b)(6), and (II) Disallowance of Proofs of Claim Nos. 6273 and 6274 Filed by Plaintiff [Docket No. 44]

**Related Document(s):**

- a. Complaint to Determine Nature and Extent of Liens [Docket No. 1]
- b. Amended Scheduling Order [Docket No. 36]
- c. Joint Motion of the ResCap Liquidating Trust and the ResCap Borrower Claims Trust for (I) Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b) and FRCP 12(b)(6), and (II) Disallowance of Proofs of Claim Nos. 6273 and 6274 Filed by Plaintiff [Docket No. 40]

**Response(s):** None.

**Status:** The hearing on this matter will be going forward.

Dated: November 15, 2016  
New York, New York

/s/ Norman S. Rosenbaum  
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