

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

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Charles C. Heyward Living Trust,	:	
	:	Adv. Proc. 16-01044 (MG)
Plaintiff,	:	
	:	
v.	:	
	:	
GMAC Mortgage, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	
In re	:	
	:	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,	:	
	:	Chapter 11
	:	
Debtors.	:	Jointly Administered
-----X	:	

ORDER DISMISSING ADVERSARY PROCEEDING

Upon consideration of the complaint (the “Complaint”) filed by *pro se* plaintiff Charles C. Heyward Living Trust (“Plaintiff”) in the above-captioned adversary proceeding (the “Adversary Proceeding”) against GMAC Mortgage, LLC, *et al.* (collectively, the “Defendants”), and upon consideration of the *ResCap Liquidating Trust’s Motion to Dismiss Plaintiff’s Adversary Complaint* (the “Motion”) and the declaration of Norman S. Rosenbaum submitted in support thereof; and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and no response to the Motion has been filed by Plaintiff; and after due deliberation; it is hereby



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ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is **GRANTED** as provided in this Order.
2. The Complaint is dismissed in its entirety with prejudice with respect to all Defendants for Plaintiff's failure to comply with the mandatory provisions of the Supplemental AP Procedures, as defined in, and made applicable to, the Adversary Proceeding under the *Order Approving Debtors' Motion Pursuant To 11 U.S.C. §§ 105(a) And (d), Bankruptcy Rules 1015(c), 2002(m), 7016, And 9007 And Local Bankruptcy Rule 2002-2 For Entry Of An Order Approving (A) Supplement To Case Management Order Establishing Mandatory Procedures For Management Of Adversary Proceedings Commenced By Borrowers And Former Borrowers And (B) Related Relief* (ECF Doc. # 3293), as amended on April 22, 2013. (ECF Doc. # 3490.) The Complaint is also dismissed as being barred by the doctrine of res judicata due to the Court's dismissal with prejudice of the Plaintiff's previous adversary proceeding, case number 14-01778, Docket No. 17.
3. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

IT IS SO ORDERED.

Dated: January 11, 2017
New York, New York

/s/ Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge