

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

In re:)	
)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
)	
)	
Beverlie Roseberry, 3900 Oldfield)	
Crossing Drive Apt 215 Jacksonville,)	
LF 3223)	
)	Adv. No. 16-01202 (MG)
Plaintiff,)	
)	
v.)	
)	
GMAC Mortgage, LLC, <i>et al.</i> ,)	
)	
)	
Defendants.)	
)	

**ORDER DISMISSING ADVERSARY PROCEEDING
PURSUANT TO BANKRUPTCY RULE 7012(b)
AND FEDERAL RULES OF CIVIL PROCEDURE 12(B)(5) AND 12(b)(6)**

Upon consideration of the complaint (the “Complaint”) filed by *pro se* plaintiff Beverlie Roseberry in the above-captioned adversary proceeding (the “Adversary Proceeding”); and upon consideration of *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 Definite Statement* (ECF Doc. # 5) (the “Aldridge Pite Motion”); and upon consideration of *Defendants’ Motion to Dismiss Plaintiff’s Adversary Complaint* (ECF Doc. # 11) (the “Ocwen Motion”); and upon consideration of *The ResCap Liquidating Trust’s Motion to Dismiss Plaintiff’s Adversary Complaint* (ECF Doc. # 15) (the “Trust Motion,” and together with the Aldridge Pite Motion and the Ocwen Motion, the “Motions”); and it appearing that this Court has jurisdiction to consider the Motions



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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 Motions has been given and that no other or further notice is necessary; and the Court having held a hearing on February 28, 2017, to consider the Motions (the “Hearing”); it is hereby

ORDERED ADJUDGED, AND DECREED THAT:

1. For the reasons stated on the record at the Hearing, the Motions are **GRANTED** as provided in this Order.
2. The Complaint is dismissed with prejudice in its entirety as to all defendants pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted, as made applicable to the Adversary Proceeding by Bankruptcy Rule 7012(b).
3. The Complaint is also dismissed with prejudice in its entirety as to the ResCap Liquidating Trust pursuant to Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process, as made applicable to the Adversary Proceeding by Bankruptcy Rule 7012(b).
4. The Ocwen Motion is denied solely to the extent it seeks to dismiss the Complaint for lack of subject matter jurisdiction.
5. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

IT IS SO ORDERED.

Dated: March 20, 2017
New York, New York

/s/ Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge