

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

In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
)	

**ORDER OVERRULING RESCAP BORROWER CLAIMS TRUST'S OBJECTION TO
CLAIM NUMBER 4118 FILED BY ARIEL BAREL**

Upon the seventy-fifth omnibus objection to claims, dated September 17, 2014 [Docket No. 7552] (the "Objection")¹ of the ResCap Borrower Claims Trust (the "Trust"), established pursuant to the terms of the confirmed Plan filed in the above-referenced Chapter 11 cases, as successor in interest to the Debtors for Borrower Claim matters, seeking entry of an order, pursuant to section 502(b) of title 11 of the United States Code (the "Bankruptcy Code"), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, and this Court's order approving procedures for the filing of omnibus objections to proofs of claim [Docket No. 3294] (the "Procedures Order"), disallowing and expunging proof of claim no. 4118 (the "Claim"), all as more fully described in the Objection; and it appearing that this Court has jurisdiction to consider the Objection pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Objection 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 due and proper notice of the Objection having been provided, and it appearing that no other or further notice need be provided; upon consideration of the Objection and the *Declaration of Deanna Horst in Support of the ResCap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No*

¹ Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.



Liability Borrower Claims) annexed thereto as Exhibit 2; the *Declaration of Norman S. Rosenbaum in Support of the ResCap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims)*, annexed thereto as Exhibit 3; the *Response in Opposition to ResCap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims* filed by Ariel Barel (the "Claimant") [Docket No. 7639]; and the *ResCap Borrower Claims Trust's Omnibus Reply in Support of its Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) as to Claim Nos. 1574, 2761, 3702, 3862, 4118, 5653, 5892, and 5970* [Docket No. 7727]; and a hearing having been held to consider the Objection on November 13, 2014 (the "Hearing"); and as set forth more fully on the record, the Trust failed to provide authority supporting its Objection based on res judicata grounds, where the asserted prior final judgment was granted in New Jersey state court upon the Debtor's motion for summary judgment, and subsequently, the Debtor's agent acting on behalf of the Debtor voluntarily dismissed the case; and its hereby

ORDERED that the Objection to Claim number 4118 is **OVERRULED** and the relief requested is **DENIED** without prejudice.

IT IS SO ORDERED.

Dated: November 14, 2014
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge