

Wendy Alison Nora
ACCESS LEGAL SERVICES
310 Fourth Ave. S., Suite 5010
Minneapolis, Minnesota
Telephone: (612) 333-4144
Facsimile: (612) 206-3170

Counsel for Richard D. Rode

MORRISON & FOERSTER LLP
250 W. 55th Street
New York, New York 10019
Telephone: (212) 468-8000
Facsimile: (212) 468-7900
Norman S. Rosenbaum
Jordan A. Wishnew
Erica J. Richards

*Counsel for The ResCap Borrower Claims
Trust*

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

In re:

RESIDENTIAL CAPITAL, LLC, et al.,

Debtors.

)
) Case No. 12-12020 (MG)
)

) Chapter 11
)

) Jointly Administered
)

**CERTIFICATE OF NO OBJECTION REGARDING JOINT MOTION TO
VACATE THE OPINION AND ORDER SUSTAINING IN PART AND
OVERRULING IN PART THE RESCAP BORROWER CLAIMS TRUST'S
OBJECTION TO CLAIM NOS. 5610 AND 5612 FILED BY RICHARD D. RODE**

1. Richard D. Rode ("Mr. Rode"), by his attorney, Wendy Alison Nora of ACCESS LEGAL SERVICES, *pro hac vice*, and The ResCap Borrower Claims Trust (the "Trust"), as successor in interest to the above-captioned debtors (the "Debtors") with respect to Borrower Claims, by its undersigned attorneys (collectively the "Parties"), hereby certify that, as of the date hereof, they not aware of any answer, objection or other responsive pleading to the relief sought in the following motion filed by the ResCap Borrower Claims Trust and Richard D. Rode on August 22, 2016 (the "Joint Motion"):



Joint Motion to Vacate the Opinion and Order Sustaining in Part and Overruling in Part the ResCap Borrower Claims Trust's Objection to Claim Nos. 5610 and 5612 Filed by Richard D. Rode [Docket No. 10068].

2. The Parties further declare that they have caused a review of the Court's docket in these cases and have not been advised that any other answer, objection or other responsive pleading to the Joint Motion appears thereon. The deadline for filing responses to the Joint Motion, September 1, 2016, has passed.

3. In accordance with the *Order Under Bankruptcy Code Sections 102(1), 105(a) and 105(d), Bankruptcy Rules 1015(c), 2002(m) and 9007 and Local Bankruptcy Rule 2002-2 Establishing Certain Notice, Case Management and Administrative Procedures* entered on May 23, 2012 [Docket No. 151] (the "Case Management Procedures"), the Parties submit this Certificate of No Objection pursuant to 28 U.S.C. § 1746.

4. Accordingly, for the reasons set forth in the Joint Motion, the Parties respectfully request that the proposed order granting the Motion, annexed hereto as Exhibit 1, be entered in accordance with the procedures set forth in the Case Management Procedures.

The undersigned declare under penalty of perjury that the foregoing is true and correct.

Dated: September 6, 2016
New York, New York

/s/ Norman S. Rosenbaum

Norman S. Rosenbaum

Jordan A. Wishnew

Erica J. Richards

MORRISON & FOERSTER LLP

250 West 55th Street

New York, New York 10019

Telephone: (212) 468-8000

Facsimile: (212) 468-7900

*Counsel for the ResCap Borrower Claims
Trust*

-and-

/s/ Wendy Alison Nora

Wendy Alison Nora

ACCESS LEGAL SERVICES

310 Fourth Ave. South

Suite 5010

Minneapolis, Minnesota 55415

Counsel for Richard D. Rode

EXHIBIT 1

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

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

**ORDER GRANTING JOINT MOTION
TO VACATE THE OPINION AND ORDER SUSTAINING IN PART AND
OVERRULING IN PART THE RESCAP BORROWER CLAIMS TRUST’S
OBJECTION TO CLAIM NOS. 5610 AND 5612 FILED BY RICHARD D. RODE**

Upon the joint motion (the “Motion”)¹ of Richard D. Rode and The ResCap Borrower Claims Trust, as successor to Residential Capital, LLC and its affiliated debtors (collectively, the “Debtors”) with respect to Borrower Claims, seeking entry of an order, pursuant to F. R. Civ. P. 60(b)(5) and 60(b)(6), which are made applicable to these cases pursuant to Fed. R. Bankr. P. 9024, vacating the *Memorandum Opinion and Order Sustaining in Part and Overruling in Part the ResCap Borrower Claims Trust’s Objection to Claim Nos. 5610 and 5612 Filed by Richard D. Rode* [Docket No. 9094] (the “Opinion & Order”); and for the reasons set forth in the Motion; and the Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion 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 Motion having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

legal and factual bases set forth in the Motion establish just cause for the relief granted herein;
and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the relief requested in the Motion is granted to the extent provided
herein; and it is further

ORDERED that, that the Opinion and Order is vacated pursuant to F. R. Civ. P. 60(b)(5)
and 60(b)(6) and shall be of no prospective force and effect.

ORDERED that the terms and conditions of this Order shall be immediately effective and
enforceable upon its entry; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters
arising from or related to this Order.

Dated: _____, 2016
New York, New York

THE HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE