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**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
_____	)	

**THE RESCAP BORROWER CLAIMS TRUST'S COUNTER-  
DESIGNATION OF ITEMS FOR RECORD ON APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, the ResCap Borrower Claims Trust (the “**Borrower Trust**”), established pursuant to the terms of the *Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC, et al. and the Official Committee of Unsecured Creditors* [Docket No. 6030] (the “**Plan**”)<sup>1</sup> in the above-captioned Chapter 11 cases (the “**Chapter 11 Cases**”), hereby submits the following counter-designation of additional items to be included in the record on appeal in connection with the *Appellant's Designation of Contents of Record on Appeal and Statement of Issues* [Docket No. 10396] filed by appellant Alan Moss (the “**Appellant**”), in connection with Appellants appeal of the *Memorandum*

<sup>1</sup> The Plan was confirmed by order of the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) dated December 11, 2013 [Docket No. 6065] and the Plan’s effective date occurred on December 17, 2013. The Plan provides for the creation and implementation of the Borrower Trust. *See* Plan, Art. IV.F. The Plan further provides that the Borrower Claims Trustee is deemed the representative of the Debtors’ estates for the purpose of prosecuting objections to borrower claims, *see* Plan, Art. IV.S.



*Opinion and Order Sustaining the ResCap Borrower Claims Trust's Objection to Claim No. 8334 Filed by Alan I. Moss* [Docket No. 10390], which was entered by the Bankruptcy Court on May 16, 2017.

The Borrower Trust designates the following additional items to be included in the record on appeal.<sup>2</sup>

**A. Bankruptcy Pleadings**

<b>Docket No.</b>	<b>Description</b>
2093	Order Extending Deadline for Filing Proofs of Claim
3294	Order Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rules 1009, 3007 and 9019(b) Approving (I) Claim Objection Procedures, (II) Borrower Claim Procedures, (III) Settlement Procedures, and (IV) Schedule Amendment Procedures
6065	Order Confirming Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC, <i>et al.</i> and the Official Committee of Unsecured Creditors
6137	Notice of Entry of Confirmation Order Confirming the Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC, <i>et al.</i> and the Official Committee of Unsecured Creditors and Occurrence of the Effective Date
7642	Response [of Alan Moss] in Opposition to ResCap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims
8566	Letter from Alan Moss to Judge Glenn dated April 6, 2015 Requesting Conference on Discovery Disputes
8567	Order Regarding Discovery Dispute Raised by Alan Moss
8582	Notice of Adjournment of Hearing on ResCap Borrower Claims Trust's Objection to Amended Claim No. 4445 Filed By Alan Moss to June 23, 2015 at 10:00 a.m. (Prevailing Eastern Time)
8666	Notice of Extension of Time for Alan Moss to File a Response to the ResCap Borrower Claims Trust's Objection to Amended Claim No. 4445 Filed By Alan Moss to June 3, 2015 at 4:00 P.M.
9981	Letter to Judge Glenn from Jordan A. Wishnew Regarding District Court

<sup>2</sup> For the avoidance of doubt, with regard to any pleadings and/or exhibit lists designated by the Borrower Trust, the Borrower Trust also designates any and all exhibits filed with, attached to, or otherwise referenced in such documents. For the further avoidance of doubt, the Borrower Trust designates all items designated by Appellant in Docket No. 10396 Case No. 12-12020 (MG).

<b>Docket No.</b>	<b>Description</b>
	Decision Concerning Disposition of Proof of Claim of Alan Moss
10074	Notice of Status Conference on ResCap Borrower Claims Trust's Objection to Amended Claim No. 4445 Filed by Alan Moss to be Held on September 14, 2016 at 10:00 a.m. (Prevailing Eastern Time)
10166	Case Management and Scheduling Order Regarding ResCap Borrower Claims Trust's Objection to Claim Number 4445 Filed by Alan Moss
10278	Notice of Pre-Motion Conference in Connection with the Filing of a Motion for Summary Judgment as to the ResCap Borrower Claims Trust's Objection to Amended Claim No. 4445 Filed by Alan Moss to be Held on January 11, 2017 at 10:00 a.m. (Prevailing Eastern Time)
10282	Notice of Telephonic Participation in the (I) Pre-Motion Conference in Connection with the Filing of a Motion for Summary Judgment as to The ResCap Borrower Claims Trust's Objection to Amended Claim No. 4445 Filed by Alan Moss and (II) Discovery Dispute Conference Regarding Objection to Amended Claim No. 4445 Filed by Alan Moss to be Held on January 11, 2017 at 10:00 a.m. (Prevailing Eastern Time)
10290	The ResCap Borrower Claims Trust's Motion for Summary Judgment as to its Objection to Amended Claim No. 4445 Filed by Alan Moss
10299	Claimant's Response to Debtors' Motion for Summary Judgment
10300	Claimant's Response to Debtors' 7056-1 Statement of Material Facts
10301	Declaration of Alan Moss in Support of Claimant's Response to Debtors' Motion for Summary Judgment
10307	ResCap Borrower Claims Trust's Reply in Support of its Motion for Summary Judgment as to its Objection to Amended Claim No. 4445 Filed by Alan Moss
10375	Status Report Regarding ResCap Borrower Claims Trust's Objection to Proof of Claim Filed by Alan Moss
10364	ResCap Borrower Claims Trust's Memorandum of Law in Support of the Trust's Objection to Claim Number 4445

## **B. Other**

<b>Docket No.</b>	<b>Description</b>
N/A	Proof of Claim Number 4445 Filed by Alan Moss on November 7, 2012
8293	Transcript of Hearing held on February 11, 2015 at 10:10 a.m. (ET)
8838	Transcript of Hearing held on June 23, 2015 at 10:06 a.m. (ET)
10130	Transcript of Hearing held on September 14, 2016 at 10:14 a.m. (ET)
10288	Transcript of Hearing held on January 11, 2017 at 10:05 a.m. (ET)

Docket No.	Description
10327	Transcript of Hearing held on February 28, 2017 at 11:12 a.m. (ET)
10377	Transcript of Hearing held on April 19, 2017 at 2:07 p.m. (ET)
10386	Transcript of Hearing held on May 8, 2017 at 9:18 a.m. (ET)
N/A	The ResCap Borrower Claims Trust's Exhibits and Exhibit List for ResCap Borrower Claims Trust's Objection to Amended Claim No. 4445 Filed by Alan Moss Scheduled to be Heard on May 8, 2017 at 9:00 a.m. (Prevailing Eastern Time)
N/A	The ResCap Borrower Claims Trust's Witness List for Trial on ResCap Borrower Claims Trust in Support of ResCap Borrower Claims Trust's Objection to Amended Claim No. 4445 Filed by Alan Moss Scheduled to be Heard on May 8, 2017 at 9:00 a.m. (Prevailing Eastern Time)

**C. District Court Pleadings (*Moss v. ResCap Borrower Claims Trust* (S.D.N.Y. 15-cv-07140 (LGS))**

Docket No.	Description
7	Appellant's Opening Brief
8	Appellant's Appendix and Excerpt of the Record
10	Appellant's Amended Appendix & Excerpt of the Record
11	Appellee's Brief
13	Appellant's Reply Brief
16	Opinion and Order

Dated: June 22, 2016  
New York, New York

/s/ Norman S. Rosenbaum  
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