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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, et al.,	Chapter 11
Debtors.	Jointly Administered
ALFREDIA PRUITT,	Adv. Case No. 13-01350 (MG)
Plaintiff,	
v.	
RESIDENTIAL CAPITAL, LLC, *et al.,*	
Defendants.	

DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO COMPEL

Defendants GMAC Mortgage, LLC and Residential Capital, LLC (collectively "Defendants"), each a debtor and debtor in possession in the above-captioned chapter 11 cases, hereby submit this response to Plaintiff Alfredia Pruitt's ("Plaintiff") Motion to Compel, filed in the above-referenced adversary proceeding (the "Adversary Proceeding") on June 11, 2013.



This Court should deny Plaintiff's Motion to Compel because Plaintiff failed to comply with the Bankruptcy Court's Order Approving Mandatory Supplemental AP Procedures for AP Actions entered by the Bankruptcy Court in the above-captioned chapter 11 cases on March 22, 2013 [Docket No. 3293], as amended on April 22, 2013 [Docket No. 3490]. On May 30, 2013, the Debtor Defendants' counsel, Morrison & Foerster LLP, filed and caused to be served a *Notice of Applicability of The Order Approving Mandatory Supplemental AP Procedures on Plaintiff* ("Notice of AP Procedures") [AP Docket Nos. 3, 9]. The Supplemental AP Procedures require, among other things, that "[n]o discovery requests shall be served or requested in any AP action pending the conclusion of the Pre-Trial Status Conference[.]" (Id. at ¶ 9.) Because the Pre-Trial Status Conference has not taken place yet in this adversary proceeding, Plaintiff's motion is barred by the Supplemental AP Procedures.

Counsel to the Debtor Defendants has advised the Plaintiffs of the applicable provisions of the Supplemental AP Procedures and requested that Plaintiff withdraw the Motion to Compel. To date the Plaintiff has not done so.

For these reasons, the Debtor Defendants respectfully request that the Bankruptcy Court deny Plaintiff's Motion to Compel. A proposed order granting the relief requested is annexed hereto as Exhibit 1.

The Debtor Defendants have served Plaintiff with a copy of this response.

Dated: July 11, 2013
New York, New York

/s/ Paul Galante

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Exhibit 1

Proposed Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, et al.,	)	Chapter 11
Debtors.	)	Jointly Administered
ALFREDIA PRUITT,	)	Adv. Case No. 13-01350 (MG)
Plaintiff,	)	
v.	)	
RESIDENTIAL CAPITAL, LLC, *et al.,*	)	
Defendants.	)	

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL

Upon consideration of *Plaintiff Alfredia Pruitt's Motion to Compel* [Docket No. 10] (the "Motion"), and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and after due consideration thereon; 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 upon consideration of the *Defendants' Response to Plaintiff's Motion to Compel*; it is hereby:

ORDERED that the Motion is denied.

Dated: July __, 2013
New York, New York

MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE