Docket #0036 Date Filed: 9/27/2016

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
Gwendolyn B. Hawthorne	)	
Plaintiff,	)	
	)	Adv. No. 12-02050 (MG)
v.	)	
GMAC Mortgage, LLC, U.S. Bank National Association, GMFS LLC, Judy Faber, Vice President, Brenda Guidry, and Mortgage Electronic Registration System Inc., and Duane Thompson, Assistant Secretary Mortgage Electronic Registration Systems Inc, as Nominee for GMFS, LLC, Residential Funding Corporation	)	
Defendants.	)	

AMENDED SCHEDULING ORDER

WHEREAS, on or about November 29, 2012, Gwendolyn B. Hawthorne ("Plaintiff") filed (i) proof of claim #6273 against U.S. National Bank Association, asserting a secured claim in the amount of $145,821.97, and an unsecured claim in the amount of $454,178.03, and (ii) proof of claim #6274 against GMAC Mortgage, LLC ("GMACM"), as servicer for U.S. Bank, asserting a secured claim in the amount of $145,821.97, and an unsecured claim in the amount of $454,178.03 (together, the "Proofs of Claim"), in each case, in connection with Plaintiff's mortgage loan with respect to the property located at 2377 Scott Oaks Trail SW, Marietta GA 30008; and

WHEREAS, on November 29, 2012, Plaintiff filed in the above-captioned adversary proceeding (the "Adversary Proceeding") the *Complaint to Determine Nature and Extent of Liens* [Docket No. 1] against Debtor GMACM, Debtor Residential Funding Corporation ("RFC"), and certain non-Debtor defendants, which asserts, *inter alia*, causes of action allegedly arising from GMACM's servicing of the mortgage loan; and

WHEREAS, on November 20, 2013, this Court entered an order reclassifying proof of claim #6273 as an unsecured claim in the aggregate amount of $600,000 and re-designating proof of claim #6273 as a claim against Debtor Homecomings Financial, LLC ("Homecomings") [Docket No. 5895]; and

WHEREAS, the ResCap Liquidating Trust and the ResCap Borrower Claims Trust (together, the "Trusts", and together with Plaintiff, the "Parties") and Plaintiff engaged in discussions regarding a potential resolution of the Adversary Proceeding and the Proofs of Claim and have been unable to reach a resolution at this time; and

WHEREAS, the ResCap Liquidating Trust, as successor in interest to GMACM and RFC, intends to file a motion to dismiss the Complaint (the "Motion to Dismiss"); and

WHEREAS, the ResCap Borrower Claims Trust, as successor in interest to GMACM and Homecomings with respect to Borrower Claims, intends to file an objection to the Proofs of Claim (the "Claims Objection"); and

WHEREAS, the Proofs of Claim and the Adversary Proceeding involve substantially similar factual issues, claims, and causes of action with respect to GMACM, RFC, and Homecomings; and

WHEREAS, the Trusts desire to resolve the Adversary Proceeding and Proofs of Claim in a single, consolidated proceeding for purposes of judicial efficiency; and

WHEREAS, at the status conference held on July 13, 2016, the Court directed the ResCap Liquidating Trust to coordinate the preparation of a proposed scheduling order with respect to the Adversary Proceeding and the Proofs of Claim; and

WHEREAS, the Trusts have advised the Court that the Trusts reached out to Plaintiff to prepare a joint stipulation and proposed scheduling order and Plaintiff did not respond; and

NOW THEREFORE, in consideration of the foregoing recitals, which are incorporated into this Scheduling Order, IT HEREBY ORDERED that:

1. The Motion to Dismiss and the Claims Objection will be heard jointly and resolved through a single, consolidated proceeding.

2. The Adversary Proceeding shall be the sole proceeding in which to resolve any and all claims Plaintiff may have arising in connection with any and all of the transactions at issue in the Proofs of Claim, and the Proofs of Claim shall be limited to the amount of any final judgment obtained in the Adversary Proceeding.

3. The Trusts may (but are not required to) file a single joint pleading (the "Combined Claims Objection/ Motion to Dismiss") consolidating the ResCap Borrower Claims Trust's Claims Objection and the ResCap Liquidating Trust's Motion to Dismiss.

4. The Trusts must file and serve their Combined Claims Objection/ Motion to Dismiss by **September 30, 2016**.

5. Plaintiff must file and serve any objection to the Motion to Dismiss and response to the Claims Objection by **October 21, 2016**.

6. The Trusts must file and serve any reply in further support of their Combined Claims Objection/ Motion to Dismiss by **November 10, 2016 at 12:00 p.m. (Eastern)**.

7. A hearing on the Combined Claims Objection and Motion to Dismiss (the "Hearing") will take place on **November 17, 2016 at 11:00 a.m. (Eastern)** before the Honorable Martin Glenn, at the United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004-1408, Room 501.

8. Plaintiff is authorized to attend the hearing telephonically.

9. This Court shall retain jurisdiction to hear all matters or disputes arising from or related to this Order.

IT IS SO ORDERED.

Dated: September 27, 2016
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge