

IN THE SUPREME COURT OF OHIO

STATE OF OHIO <i>EX REL.</i> MICHAEL DEWINE, ATTORNEY GENERAL, <i>et al.</i> ,	:	Case No. 2011-0890
	:	
Petitioners,	:	On Review of Certified Questions
vs.	:	from the United States District Court
	:	for the Northern District of Ohio
GMAC Mortgage, LLC, <i>et al.</i> ,	:	
	:	U.S. District Court Case Nos.
Respondents.	:	3:10-cv02537, 1:10-cv-02709

**RESPONDENT GMAC MORTGAGE, LLC'S
STATUS REPORT**

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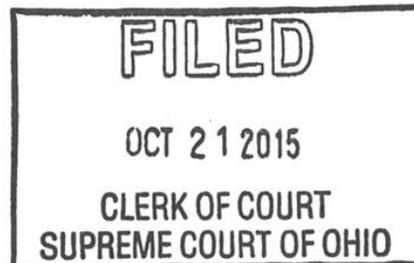
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**RESPONDENT GMAC MORTGAGE, LLC'S
STATUS REPORT**

Pursuant to the Court's October 15, 2015 Entry, Respondent GMAC Mortgage, LLC ("GMACM") submits the following status report regarding the jointly administered bankruptcy cases captioned *In re Residential Capital, LLC, et al.*, Case No. 12-012020-mg, currently pending in the United States Bankruptcy Court for the Southern District of New York in which GMACM is a Debtor (the "Bankruptcy Proceeding").

On December 11, 2014, the Bankruptcy Court entered the Order Confirming Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC et al. and the Official Committee of Unsecured Creditors, Case No. 12-12020-mg Docket Number 6065 (the "Confirmation Order"). On December 17, 2014, the Confirmation Order and the associated Plan became effective. Paragraph 42 of the Confirmation Order provided for GMACM to be discharged from any claims that arose prior to December 17, 2014. Paragraph 40 of the Confirmation Order also provided for a permanent injunction against any party pursuing Respondent Ally Financial, Inc. ("AFI") based on claims relating to its indirect ownership and control of GMACM.

None of the plaintiffs in the underlying federal district court putative class action case (Lois Blank, William Stroble, Brandon and Blair Ritze and Rebecca Lawson) filed a proof of claim in the Bankruptcy Proceeding. As such, pursuant to the Confirmation Order, Ms. Blank, Ms. Lawson and Mssrs. Stroble and Ritze are therefore now permanently barred from pursuing their claims in the underlying federal district court case against either GMACM and/or AFI. Moreover, as to any alleged class members they purport to represent in the federal district court case, under the Confirmation Order, those class members' claims are also either permanently

barred (if they did not file a proof of claim in the Bankruptcy Proceeding) or their claims are subject to the exclusive jurisdiction of the Bankruptcy Court (assuming they did file a proof of claim in the Bankruptcy Proceeding).

Accordingly, the underlying district court case does not need to be reopened. There is no longer a need for this Court to answer the certified questions at issue in this case and this Court should just decline to answer those certified questions and instead dismiss this case pursuant to S.Ct.Prac.R. 9.05(B) and 9.08. See *Arbino v. Johnson & Johnson*, 116 Ohio St. 3d 468, 485, 880 N.E.2d 420 (2007) (citations omitted) (in declining to answer a certified question, holding that “[e]very court must refrain from giving opinions on abstract propositions and avoid the imposition by judgment of premature declarations or advice upon potential controversies. It is well settled that this court will not issue such advisory opinions”).

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Respondent GMAC Mortgage, LLC's Status Report was served via ordinary U.S. mail, postage prepaid, this 21st day of October, 2015, upon the following:

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