

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 ALLY FINANCIAL, INC.'S
STATUS REPORT**

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**RESPONDENT ALLY FINANCIAL, INC.’S
STATUS REPORT**

Pursuant to the Court’s October 15, 2015 Entry, Respondent Ally Financial, Inc. (“AFI”) 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 co-Respondent GMAC Mortgage, LLC (“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 40 of the Confirmation Order provides for a broad release of “any and all Causes of Action whatsoever” against AFI “arising from or related in any way to the Debtors,” including GMACM. Confirmation Order ¶ 40, at p. 51. Further, Paragraph 40 of the Confirmation Order “permanently enjoined and precluded” any party from “commencing or continuing in any manner or action” any claim against AFI relating to the Debtors, including GMACM. *Id.* at p. 55.

As such, pursuant to the Confirmation Order, Ms. Blank, Ms. Lawson and Mssrs. Stroble and Ritze are now permanently enjoined from pursuing their claims against AFI in the underlying federal district court case. 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 against AFI are also permanently enjoined.

Accordingly, the claims against AFI in the underlying district court case cannot be reopened. Thus, there is no longer a need for this Court to answer the certified questions at issue

in this case. AFI therefore respectfully requests that this Court 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) (“Every 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.”).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Respondent Ally Financial, Inc.'s Status Report was served via ordinary U.S. mail, postage prepaid, this 29th day of October, 2015, upon the following:

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