

**This Objection seeks to disallow and expunge certain
Duplicate or Amended Proofs of Claim.**

You should locate your name and claims on Exhibit A attached to this Objection.

If you *do not* oppose the disallowance of your claim, you *do not* need to file a written response, and you do not need to appear for the hearing. If you *do* oppose the disallowance of your claim, you *must* file a written response to the Objection as provided below.

If the Bankruptcy Court disallows your claim, you will not be
entitled to any money based on the claim.

**IF YOU HAVE QUESTIONS, PLEASE CONTACT THE OFFICE OF THE CONSUMER CLAIMS TRUSTEE
AT INFO@DITECH-SETTLEMENT.COM OR 877-783-6297**

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Attorneys for the Consumer Claims Trustee

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
	:	
In re	:	Chapter 11
	:	
DITECH HOLDING CORPORATION, et al.,	:	Case No. 19-10412 (JLG)
	:	
Wind Down Estates. ¹	:	(Jointly Administered)
	:	
-----	X	

**NOTICE OF HEARING
CONSUMER CLAIMS TRUSTEE'S FIFTIETH
OMNIBUS OBJECTION TO PROOFS OF CLAIM
(DUPLICATE OR AMENDED UNSECURED CONSUMER CREDITOR CLAIMS)**

¹ The Wind Down Estates, along with the last four digits of each of their federal tax identification number, as applicable, are Ditech Holding Corporation (0486); DF Insurance Agency LLC (6918); Ditech Financial LLC (5868); Green Tree Credit LLC (5864); Green Tree Credit Solutions LLC (1565); Green Tree Insurance Agency of Nevada, Inc. (7331); Green Tree Investment Holdings III LLC (1008); Green Tree Servicing Corp. (3552); Marix Servicing LLC (6101); Walter Management Holding Company LLC (9818); and Walter Reverse Acquisition LLC (8837). The Wind Down Estates' principal offices are located at 2600 South Shore Blvd., Suite 300, League City, TX 77573.

On October 18, 2021, the Consumer Claims Trustee filed the attached *Consumer Claims Trustee's Fiftieth Omnibus Objection to Proofs of Claims—Duplicate or Amended Unsecured Consumer Creditor Claims* (the “**Objection**”), which seeks to disallow proofs of claim listed on Exhibit A to the Objection. The Objection asks the Bankruptcy Court to disallow the claims listed on Exhibit A because the claims are either duplicative of, or in some instances have been amended by a subsequent filing of one or more claim(s) asserted against the Debtors. Recipients of this Notice should locate their name and claims on Exhibit A.

If you do not oppose the disallowance of your claim, you do not need to file a written response to the Objection or appear for the hearing. The Court will disallow the duplicate or amended claim, and you will not be entitled to any money on account of that claim.

If you do oppose the disallowance of your duplicate or amended claim (for example, if you believe it does not duplicate or amend the other claim you filed), **you must file a written response to the Objection. If you do not respond to this Notice, the court may disallow your claim without further notice or hearing.**

The Court has ordered that certain procedures—the “**Claims Hearing Procedures**”—apply to this Objection and to any Response you file. A copy of the Claims Hearing Procedures is Attachment 1 to this Notice. The Claims Hearing Procedures impose deadlines for action. Failure to comply with the Claim Hearing Procedures may result in the disallowance of your claim without further notice. Please review them carefully if you oppose disallowance of your claim.

Among other things, the Claims Hearing Procedures require that you file with the Bankruptcy Court and send a copy of your response so that it is received by **November 12, 2021** to:

- (1) Consumer Claims Trustee, Tara Twomey, Consumer Recovery Trust,
c/o Settlement Administrator, PO Box 1607, Blue Bell, PA 19422 or via
email at info@ditech-settlement.com;
- (2) The chambers of the Honorable James L. Garrity, Jr., United States
Bankruptcy Court for the Southern District of New York, One Bowling
Green, New York, NY 10004. Claimants wishing to file by email should
check the court website for operating procedures, which are subject to
frequent changes due to COVID-19 accommodations

The Claims Hearing Procedures also require that every response to the Objection contain the following:

- a. a caption identifying the court (U.S. Bankruptcy Court for the Southern District of New York), the Debtor (Ditech Holding Corporation, et al), the case number (19-10412); and the document to which the response is directed (Consumer Claim Trustee's Fiftieth Omnibus Objection to Proofs of Claim);
- b. the name of the claimant and a description of the basis for the claim;
- c. a statement describing why the claim should not be disallowed, including the specific factual and legal bases upon which the claimant will rely in opposing the Objection;
- d. all documentation or other evidence upon which claimant will rely in opposing the Objection, excluding documentation provided with the original Proof of Claim; and
- e. the name, address, telephone number and email of the person (which may be the claimant or the claimant's legal representative) who will have the ultimate authority to settle or otherwise resolve the Claim on behalf of the claimant.

A HEARING ON THE OBJECTIONS will be held on November 23, 2021 at 11:00 a.m. EDT in the United States Bankruptcy Court, One Bowling Green, Room 601, New York, New York 10004. The Claims Hearing Procedures govern the procedures at the hearing. If you file

a written response to the Objection, you should plan to appear at that hearing, unless the Consumer Claims Trustee notifies you that the hearing will be postponed to a later date. You may participate in the hearing telephonically by complying with the Court's instructions (including providing prior written notice to the attorneys for the Consumer Claims Trustee), which can be found on the Court's website at www.nysb.uscourts.gov.

**CLAIMANTS SHOULD NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT
TO DISCUSS THE LEGAL MERITS OF THEIR CLAIMS.**

DATED: October 18, 2021

/s/ Richard Levin

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Attorneys for Consumer Claims Trustee

Attachment 1

COURT-ORDERED CLAIM HEARING PROCEDURES

The claim hearing procedures (the “**Claim Hearing Procedures**”) have been ordered by the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) to apply to the chapter 11 cases of the Ditech Holding Corporation and its affiliates (each, a “**Debtor**”).¹

Claim Hearing Procedures

1. Under the Court’s “**Case Management Order**” (Order Implementing Certain Notice and Case Management Procedures, dated March 19, 2019 (ECF No. 211)), the Court established periodic hearings in these cases and required the Plan Administrator (which term includes the Consumer Claims Trustee), on behalf of the Wind Down Estates, to schedule response deadlines for claims objections to be heard at the hearings the Plan Administrator schedules with the Court.
2. If a claimant properly files and serves a response to an objection, the Plan Administrator will schedule a hearing (a “**Claim Hearing**”) to consider the claim (a “**Contested Claim**”), the objection, and the response as follows:
 - (a) If the objection asserts that the Contested Claim fails to state a legal basis for a claim against the Debtor, that the Plan Administrator does not intend to introduce evidence in support of the objection, that is, that the Contested Claim should be dismissed under Bankruptcy Rule 7012, the hearing (a “**Sufficiency Hearing**”), will go forward at the date stated in the Notice Of Hearing to which this Attachment 1 is attached. The legal standard of review that will be applied by the Court at a Sufficiency Hearing will be equivalent to the standard applied by the Court upon a motion to dismiss for failure to state a claim upon which relief can be granted.
 - (b) If the Plan Administrator instead intends to proceed with an evidentiary hearing on the merits of a Contested Claim (a “**Merits Hearing**”), the Plan Administrator must serve upon the relevant Claimant, by email or overnight delivery and file with the

¹ Capitalized terms used but not otherwise defined in this Attachment 1 shall have the meanings assigned to those terms in the *Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors* (the “**Third Amended Plan**”) (ECF No. 1326) or the *Order Approving (I) Claims Objection Procedures and (II) Claim Hearing Procedures* (the “**Order**”) (ECF No. 1632), as applicable, which are available at <https://dm.epiq11.com/case/ditech>.

Court, a notice (a “**Notice of Merits Hearing**”) substantially in the form attached as Exhibit 2 to the Order establishing these Claims Hearing Procedures, at least 30 calendar days before the date of the Merits Hearing. The rules and procedures applicable to a Merits Hearing will be set forth in any scheduling order issued by the Court in connection with the Merits Hearing.

3. Discovery with respect to a Contested Claim will not be permitted until either (i) the Court has held a Sufficiency Hearing and determined that the Contested Claim states a claim that could be allowed and should not be dismissed pursuant to Bankruptcy Rule 7012 or (ii) the Plan Administrator has served the Claimant a Notice of Merits Hearing with respect to the Contested Claim.
4. The Plan Administrator may file and serve a reply (a “**Reply**”) to a Response no later than 4:00 p.m. EDT on the day that is at least five business days before the date of the hearing.
5. The Plan Administrator, in its sole discretion, may postpone a hearing scheduled in accordance with these Claims Hearing Procedures at any time by providing notice to the Court and the Claimant.
6. The Court will consider appropriate sanctions, including allowance or disallowance of the Contested Claim, if either party does not follow the Claim Hearing Procedures.

This Objection seeks to disallow and expunge certain Duplicate or Amended Proofs of Claim.

You should locate your name and claims on Exhibit A attached to this Objection.

If you *do not oppose* the disallowance of the duplicate or amended claim, you *do not* need to file a written response, and you do not need to appear for the hearing. If you *oppose* the disallowance of your claim, you *must* file a written response to the Objection as provided below.

If the Bankruptcy Court disallows your claim you, will not be entitled to any money based on that claim.

IF YOU HAVE QUESTIONS, PLEASE CONTACT THE OFFICE OF THE CONSUMER CLAIMS TRUSTEE AT INFO@DITECH-SETTLEMENT.COM OR 877-783-6297

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re	:	Chapter 11
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DITECH HOLDING CORPORATION, et al.,	:	Case No. 19-10412 (JLG)
	:	
Wind Down Estates. ¹	:	(Jointly Administered)
	:	
-----	X	

**CONSUMER CLAIM TRUSTEE'S FIFTIETH
OMNIBUS OBJECTION TO PROOFS OF CLAIM
(DUPLICATE OR AMENDED UNSECURED CONSUMER CREDITOR CLAIMS)**

¹ The Wind Down Estates, along with the last four digits of each of their federal tax identification number, as applicable, are Ditech Holding Corporation (0486); DF Insurance Agency LLC (6918); Ditech Financial LLC (5868); Green Tree Credit LLC (5864); Green Tree Credit Solutions LLC (1565); Green Tree Insurance Agency of Nevada, Inc. (7331); Green Tree Investment Holdings III LLC (1008); Green Tree Servicing Corp. (3552); Marix Servicing LLC (6101); Walter Management Holding Company LLC (9818); and Walter Reverse Acquisition LLC (8837). The Wind Down Estates' principal offices are located at 2600 South Shore Blvd., Suite 300, League City, TX 77573.

The Consumer Claims Trustee (“**Trustee**”), on behalf of the Consumer Creditor Recovery Trust (“**Trust**”) established under the confirmed Plan respectfully represents as follows in support of this omnibus objection (the “**Objection**”):

BACKGROUND

1. On February 11, 2019, Ditech Holding Corporation and certain of its affiliates (collectively, the “**Debtors**”) each commenced with this Court a voluntary case under chapter 11 of title 11 of the United States Code. The chapter 11 cases are being jointly administered for procedural purposes only under Rule 1015(b) of the Federal Rules of Bankruptcy Procedure. On September 26, 2019, the Court confirmed the Third Amended Plan, under which the Debtors sold their forward and reverse mortgage businesses to the Forward Buyer and Reverse Buyer, respectively. The Effective Date of the Third Amended Plan occurred on September 30, 2019. See Notice of (I) Entry of Order Confirming Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors, (II) Occurrence of Effective Date, and (III) Final Deadline for Filing Administrative Expense Claims (ECF No. 1449).

2. On May 2, 2019, the Court entered an order extending the bar date to file proofs of claim for consumer borrowers. *See Order Further Extending General Bar Date For Filing Proofs of Claim For Consumer Borrowers Nunc Pro Tunc* (ECF No. 496) (“**Bar Date Order**”). In addition, the Bar Date Order permitted individual borrowers to file a consolidated proof of claim against all Debtors, making it unnecessary to file separate proofs of claim against each Debtor entity.

3. Based on the Trustee’s review of the filed claims against the Debtors, some of the claims (the “**Duplicate or Amended Claims**”) seek recovery on the basis of the same liabilities as other claims (the “**Surviving Claims**”).

JURISDICTION

4. This Court has jurisdiction to consider this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper before this Court under 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

5. The Trustee files this Objection under the Claims Procedures Order seeking entry of an order disallowing the Duplicate Unsecured Consumer Creditor Claims listed on the attached Exhibit A.

6. The Trustee, with the assistance of her professionals, examined the proofs of claim identified on Exhibit A (the “**Duplicate or Amended Unsecured Consumer Creditor Claims**”), documentation provided with respect to each claim, and, as needed, the Debtors’ respective books and records. Each of these claims is asserted as a general unsecured claim. The Trustee has determined in each case that the proof of claim either duplicates or amends the corresponding claim identified under the heading Surviving Claim on Exhibit A.

7. The Trustee requests that the Duplicate or Amended Claims be disallowed and expunged. A proposed form of order granting the relief requested is attached as Exhibit B.

8. This Objection does not affect any of the Surviving Claims and does not constitute an admission or acknowledgement by the Trustee that the Surviving Claim should be allowed. The Trustee expressly reserves all rights to object on any other basis to any Surviving Claim and any Duplicate or Amended Claim as to which the Court does not grant the relief requested in this Objection.

THE DUPLICATE OR AMENDED UNSECURED CONSUMER CREDITOR CLAIMS SHOULD BE DISALLOWED

9. A filed proof of claim is “deemed allowed, unless a party in interest . . . objects.” 11 U.S.C. § 502(a). Upon an objection, the claimant has the burden to demonstrate the validity

of the claim. *See Residential Capital, LLC*, 2016 WL 796860, at *9 (S.D.N.Y. 2016); *In re Motors Liquidation Co.*, 2012 WL 1886755, at *3 (S.D.N.Y. 2012).

10. The Trustee cannot be required to pay on the same claim more than once. *See In re Finley, Kumble, Wagner, Heine, Underberg, Manley, Myerson & Casey*, 160 B.R. 882, 892 (Bankr. S.D.N.Y. 1993) (“In bankruptcy, multiple recoveries for an identical injury are generally disallowed.”).

11. Bankruptcy Rule 3007(d)(1) permits omnibus objections to duplicate claims.

12. Based upon a review of the proofs of claim filed on the Claims Register, the Trustee determined that the Duplicate or Amended Unsecured Consumer Creditor Claims either duplicate or amend other claims against the Debtor. Some of the Duplicate Claims are identical to Surviving Claims, while others are substantially similar to Surviving Claims and are based on the same underlying debt. The amended claims are also based on the same underlying debt and are superseded by the claim(s) identified as a Surviving Claim(s). Therefore, the Trustee seeks disallowance of all Claims that are identified in Exhibit A as either duplicative or amended claims against the Debtor. If the Duplicate or Amended Consumer Creditor Claims are not disallowed, then the parties who filed these proofs of claim may potentially receive an improper double recovery to the detriment of the Trust’s beneficiaries.

13. Therefore, to prevent the possibility of multiple recoveries on account of the same liability, and to ensure that the Trust’s beneficiaries are not prejudiced by improper recoveries, the Trustee requests that the Court disallow and expunge in their entirety each of the Duplicate or Amended Unsecured Consumer Creditor Claims.

SEPARATE CONTESTED MATTERS.

14. To the extent a claimant files a Response regarding any Duplicate or Amended Consumer Creditor Claim and the Trustee is unable to resolve the Response, the Objection

shall constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. Any order entered by the Court regarding an objection asserted in this Objection shall be deemed a separate order with respect to each Duplicate or Amended Consumer Creditor Claim.

RESERVATION OF RIGHTS.

15. The rights of the Trustee to (i) file subsequent objections to any Duplicate or Amended Consumer Creditor Claims on any ground to the extent there are surviving claims; (ii) amend, modify, or supplement this Objection including, without limitation, the filing of objections to further amended or newly-filed claims; (iii) seek to disallow or reduce any claim to the extent all or a portion of such claim has been paid; and (iv) settle any claim for less than the asserted amount are fully reserved. Separate notice and a hearing will be provided in connection with any such additional objections.

NO PRIOR REQUEST.

16. No previous request for the relief sought herein with respect to the Duplicate or Amended Borrower Claims has been made by the Trustee to this or any other court.

WHEREFORE the Trustee respectfully requests entry of the Proposed Order granting the relief requested herein and such other and further relief as is just.

DATED: October 18, 2021

/s/ Richard Levin
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Attorneys for Consumer Claims Trustee

Exhibit A

**Consumer Claims Trustee's Fiftieth Omnibus Objection to Proofs of Claim
(Duplicate or Amended Unsecured Consumer Creditor Claims)**

Creditor/Address	Duplicate or Amended Claim Number	Surviving Claim Number	Total Claim Amount
Clayborn, Terry D Chicago Heights, IL	24704	1239	\$1,900,000.00
Clayborn, Terry D Chicago Heights, IL	24705	1239	\$19,000,000.00
Dixon, Roy Jr. West Palm Beach, FL	2906	2896	\$303,500.00
Janco, Lisa Lancaster, CA	2916	2585	\$659,950.00
Manning, Robert Myrtle Beach, SC	2904	21563, 20458	\$6,000.00
Siva, Sheetakumar Concord, CA	2905	2081	\$7,383.40
White, Michelle Southfield, MI	22635	22637	\$105,500.00

Exhibit B

Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:	
In re	:	Chapter 11
	:	
DITECH HOLDING CORPORATION, et al.,	:	Case No. 19-10412 (JLG)
	:	
Debtors. ⁴	:	(Jointly Administered)
	:	Related Docket No.
-----	X	

**PROPOSED ORDER GRANTING CONSUMER CLAIMS TRUSTEE'S FIFTIETH
OMNIBUS OBJECTION TO PROOFS OF CLAIM
(DUPLICATE OR AMENDED UNSECURED CONSUMER CREDITOR CLAIMS)**

The Consumer Claims Trustee by the *Consumer Claims Trustee's Fiftieth Omnibus Objection to Proofs of Claim (Duplicate or Amended Unsecured Consumer Creditor Claims)* filed on October 18, 2021 (the "**Objection**"),⁵ seeks an entry of an order, under section 502(b) of the title 11 of the United States Code, Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, and this Court's order for approving procedures for the filing of omnibus objections to proofs of claim (the "**Claim Procedures Order**"), disallowing the Duplicate or Amended Unsecured Consumer Creditor Claims on the basis that such claims either duplicate or

⁴ The Debtors confirmed the *Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors* (ECF No. 1326) (the "**Third Amended Plan**"), which created the Wind Down Estates. Wind Down Estates, along with the last four digits of their federal tax identification number, as applicable, are Ditech Holding Corporation (0486); DF Insurance Agency LLC (6918); Ditech Financial LLC (5868); Green Tree Credit LLC (5864); Green Tree Credit Solutions LLC (1565); Green Tree Insurance Agency of Nevada, Inc. (7331); Green Tree Investment Holdings III LLC (1008); Green Tree Servicing Corp. (3552); Marix Servicing LLC (6101); Walter Management Holding Company LLC (9818); and Walter Reverse Acquisition LLC (8837). The Wind Down Estates' principal offices are located at 1100 Virginia Drive, Suite 100, Fort Washington, Pennsylvania 19034.

⁵ Capitalized terms not otherwise herein defined shall have the meanings assigned to them in the Objection.

amend the Surviving Claims arising from the same underlying debt. It appearing that this Court has jurisdiction to consider the Objection under 28 U.S.C. §§ 157 and 1334; that the relief requested is a core proceeding under 28 U.S.C. §157(b); that venue is proper before this Court under 28 U.S.C. §§ 1408 and 1409; that due and proper notice of the Objection has been provided, and that such notice was adequate and appropriate under the circumstances such that no other or further notice need be provided; that the Objection complies with the Claim Procedures set forth in the Claim Procedures Order; the Court finds and determines that the relief sought in the Objection is in the best interest of the Debtors' estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein, and it is:

ORDERED that the relief requested in the Consumer Claims Trustee's Fiftieth Omnibus Objection to Proofs of Claim is granted to the extent provided in this Order;

ORDERED that, under section 502(b) of the Bankruptcy Code, the claims listed on Exhibit A annexed hereto (collectively, the **"Duplicate or Amended Unsecured Consumer Creditor Claims"**) are disallowed with prejudice;

ORDERED that Epiq Corporate Restructuring, LLC, the Debtors' claims and noticing agent, is directed to mark the Debtors' Claims Register to show the Duplicate or Amended Unsecured Consumer Creditor Claims listed on Exhibit A to this Order as disallowed and expunged so that such claims are no longer maintained on the Debtors' Claims Register;

ORDERED that the Trustee is authorized and empowered to take all actions as may be necessary and appropriate to implement the terms of this Order;

ORDERED that notice of the Consumer Claims Trustee's Fiftieth Omnibus Objection to Proofs of Claim shall be deemed adequate and appropriate notice of such Objection, and the requirements of Bankruptcy Rule 3007(a), the Order Implementing Certain Notice and Case

Management Procedures, entered March 19, 2019 (ECF No. 211), the Claims Procedures Order, and the Local Bankruptcy Rules of this Court are satisfied by such notice;

ORDERED that this Order has no res judicata, estoppel, or other effect on the validity, allowance, or disallowance of any claim not listed in Exhibit A, and the Trustee and any party in interest's rights to object on any basis is expressly reserved with respect to any such claim not listed on Exhibit A;

ORDERED that this Order shall be a final order with respect to each of the Duplicate or Amended Unsecured Consumer Creditor Claims identified on Exhibit A, as contemplated by Bankruptcy Rule 9014, as if each such Duplicate or Amended Unsecured Consumer Creditor Claim had been individually objected to;

ORDERED that any stay of this Order pending appeal by any claimants whose claims are subject to this Order shall apply only to the contested matter that involves such claim and shall not act to stay the applicability and /or finality of this Order with respect to the other contested matters listed in the Objection or this Order;

ORDERED that the terms and conditions of this Order are effective immediately upon entry;

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: _____, 2021
New York, New York

HONORABLE JAMES L. GARRITY, JR.
UNITED STATES BANKRUPTCY JUDGE