



# EDWARDS ANGELL PALMER & DODGE LLP

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June 8, 2011

## VIA ECF

Hon. Freda L. Wolfson, U.S.D.J.  
United States District Court  
District of New Jersey  
Clarkson S. Fisher Federal Bldg. & U.S. Courthouse  
402 E. State Street  
Room 5050  
Trenton, New Jersey 08608

Re: Ally Financial, Inc. and Ally Capital Corp. v. McDonagh Chrysler-Jeep, Inc.  
Case No. 3:10-cv-06308 (FLW) (LHG)

Dear Judge Wolfson:

This firm represents plaintiffs Ally Financial, Inc. and Ally Capital Corp. (hereinafter "Ally"). The Court has requested additional information regarding Ally's request for an extension of time to serve defendants in this action.

As the Court may recall, defendant McDonagh Chrysler-Jeep, Inc. filed bankruptcy since Ally filed the Complaint. (In re McDonagh Chrysler-Jeep, Inc., Case No. 11-11397 (MBK)). As a result, Ally has not served the dealership because the bankruptcy filing stayed this action as against the dealership and because the dealership's debts to Ally will be, presumably, resolved in that forum.

The other defendant in this matter is William McDonagh, the principal of the dealership, who executed a guaranty which guaranteed the dealership's debts to Ally. Ally has also not served Mr. McDonough to date because of the bankruptcy filing. Ally fears that the service of this complaint followed by the filing of a responsive pleading by Mr. McDonagh and then the discovery process could complicate and disrupt the bankruptcy action and unnecessarily inflame the parties' emotions. Again, Ally hopes that the debt issues can be resolved fully in the bankruptcy action, which would obviate the need to pursue this action against Mr. McDonagh.

During the last several weeks, significant progress has been made in the bankruptcy action and Ally hopes that will continue. As a result, rather than potentially disrupt that progress by serving Mr. McDonagh, Ally seeks one final 35-day extension of time to serve him. Certainly, Mr.

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McDonagh is not prejudiced by this extension as this action is simply a suit on a note and guaranty; there is no danger of losing any witness testimony or documentary evidence in the interim.

Thank you for your consideration.

Respectfully submitted,

s/Robert J. Brener

NWK 238828.1