

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: BARBARA R. KAPNICK
J.S.C.
Justice

PART 39

Index Number : 651786/2011
BANK OF NEW YORK MELLON
vs.
FOR AN ORDER PURSUANT TO
SEQUENCE NUMBER : 022
COMPEL DISCLOSURE

INDEX NO.
MOTION DATE
MOTION SEQ. NO.

The following papers, numbered 1 to , were read on this motion to/for

Notice of Motion/Order to Show Cause — Affidavits — Exhibits [No(s).]
Answering Affidavits — Exhibits [No(s).]
Replying Affidavits [No(s).]

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Upon the foregoing papers, it is ordered that this motion is brought by order to show cause for an order pursuant to CPLR 3124 compelling BNYM and the Institutional Investors to produce all communications and documents exchanged between or among BNYM, the Institutional Investors, and the Bank of America during the negotiation, consummation and court submission of the proposed settlement, compelling BNYM to produce a sampling of loan files and all other information relevant to the meaning of the settlement terms and ruling that the fiduciary exception to the attorney-client privilege applies to compel communications between BNYM and its counsel and the Institutional Investors and their counsel is decided in accordance with the rulings made on the record on May 8, 2012, June 14, 2012 and August 2, 2012.

Dated: 8/2/12

[Signature]
BARBARA R. KAPNICK, J.S.C.

- 1. CHECK ONE: [] CASE DISPOSED [X] NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: [] GRANTED [] DENIED [] GRANTED IN PART [X] OTHER
3. CHECK IF APPROPRIATE: [] SETTLE ORDER [] SUBMIT ORDER
[] DO NOT POST [] FIDUCIARY APPOINTMENT [] REFERENCE