

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

BARBARA R. KAPNICK

PRESENT: J.S.C. Justice

PART 39

Index Number: 651786/2011
BANK OF NEW YORK MELLON
vs.
FOR AN ORDER PURSUANT TO
SEQUENCE NUMBER: 032
COMPEL

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).

Upon the foregoing papers, it is ordered that this motion is brought by certain intervenors by order to show cause for an order compelling petitioner and its counsel to produce the conflict of interest waivers is permitted to be withdrawn in accordance with the letter dated April 10, 2013 attached hereto.

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

Dated: 4/12/13

[Signature] J.S.C.

BARBARA R. KAPNICK

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



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April 10, 2013

Via E-filing and Facsimile

The Honorable Barbara R. Kapnick
Supreme Court of the State of New York
60 Centre Street
New York, New York 10007

Rc: *In re the application of The Bank of New York Mellon*
(Index No. 651786/2011)

Dear Justice Kapnick:

I write on behalf of the Steering Committee to inform the Court that the Steering Committee and the Bank of New York Mellon have reached an agreement regarding the production of the conflict of interest waivers at issue in motion sequence 32. The Steering Committee therefore withdraws motion sequence 32, which is currently scheduled to be heard during the April 12, 2013 hearing. We look forward to addressing the remaining issues on the agenda on Friday.

Respectfully submitted,

Daniel M. Reilly

cc: Counsel of record (via ECF)