

Exemplary Protective Orders Entered in RMBS Actions

Judge	Case Name	Relevant Protective Order Provision
J. Kornreich	<p><i>The Bank of New York Mellon v. WMC Mortgage LLC, et al.</i>, Index No. 654464/2012 (Comm. Div.)</p> <p><i>See also:</i> <i>ACE Securities Corp., Home Equity Loan Trust, Series 2007-HE1 v. DB Structured Products, Inc.</i>, Index No. 650327/2013 (Comm. Div.), Paragraph 30</p> <p><i>U.S. Bank National Association v. Citigroup Global Markets Realty Corp.</i>, Index No. 653816/2013 (Comm. Div.), Paragraph 18</p>	<p>22. To the extent any federal or state law or other legal authority governing the disclosure or use of Nonpublic Personal Information (hereinafter, "Nonpublic Personal Information Law") permits disclosure of such information pursuant to an order of a court, this Order shall constitute compliance with such requirement. To the extent any Nonpublic Personal Information Law requires a Producing party to obtain a subpoena, court-ordered or otherwise, or give notice to or obtain consent, in any form or manner, from any person or entity before disclosure of any Nonpublic Personal Information, the Court finds that, in view of the protections provided for the information disclosed in this Order, the volume of documents to be produced and the ongoing oversight of the Court, there is good cause to excuse such requirement, and this Order shall constitute an express direction that the Producing party is exempt from obtaining any subpoena or having to notify and/or obtain consent from any person or entity prior to the disclosure of Nonpublic Personal Information in the Action. To the extent that any Nonpublic Personal Information Law requires that any person or entity be notified prior to disclosure of Nonpublic Personal Information except where such notice is prohibited by court order, the Court directs that, in view of the protections provided for the information disclosed in this Order, the volume of documents to be produced and the ongoing oversight of the Court, Producing parties are explicitly prohibited from providing such notice in the Action; provided, however, that this Order shall not prohibit any Producing party from contacting any person or entity for any other purpose. To the extent that any Nonpublic Personal Information Law requires that a Producing party redact any Nonpublic Personal Information prior to production, the Court directs that, in view of the protections provided for the information disclosed in this Order, the volume of documents to be produced and the ongoing oversight of the Court, Producing parties are not required to redact any such information from any Documents or Testimony. Any Producing party may seek additional orders from this Court that such Party believes may be necessary to comply with any Nonpublic Personal Information Law.</p>

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J. Ramos	<i>Syncora Guarantee, Inc. v. EMC Mortgage LLC, et al.</i> , Index No. 650420/2012 (Comm. Div.)	<p>24. To the extent any state or federal law or other legal authority governing the disclosure or use of Nonpublic Personal Information (hereinafter "Nonpublic Personal Information Law") permits disclosure of such information pursuant to an order of a court, this Stipulation and Order shall constitute compliance with such requirement. To the extent any Nonpublic Personal Information Law requires a Party to obtain a court-ordered subpoena or give notice to or obtain consent, in any form or manner, from any person or entity before disclosure of any Nonpublic Personal Information, the Court finds that, in view of the protections provided for the information disclosed in this Stipulation and Order, the volume of documents to be produced, and the ongoing oversight of the Court, there is good cause to excuse such requirement, and this Stipulation and Order shall constitute an express direction that the Party is exempted from obtaining a court-ordered subpoena or having to notify and/or obtain consent from any person or entity prior to the disclosure of Nonpublic Personal Information. To the extent that any Nonpublic Personal Information Law requires that any person or entity be notified prior to disclosure of Nonpublic Personal Information except where such notice is prohibited by court order, the Court directs that, in view of the protections provided for the information disclosed in this Stipulation and Order, the volume of documents to be produced, and the ongoing oversight of the Court, the parties are explicitly prohibited from providing such notice; provided, however, that this Stipulation and Order shall not prohibit either Party from contacting any person or entity for any other purpose. Any Party may seek additional orders from this Court that such Party believes may be necessary to comply with any Nonpublic Personal Information Law.</p>

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J. Bransten	<p><i>Allstate Insurance Company, et al. v. Merrill Lynch & Co., et al.</i>, 650559/2011 (Comm. Div.)</p> <p><i>See also:</i> <i>ACE Securities Corp., Home Equity Loan Trust, Series 2006-HE4 v. DB Structured Products, Inc.</i>, Index No. 653394/2012 (Comm. Div.), Paragraph 28</p> <p><i>SACO I Trust 2006-5, et al. v. EMC Mortgage LLC, et al.</i>, Index No. 651820/2012 (Comm. Div.), Paragraph 25</p>	<p>16. The Receiving Party is required to comply with all federal and state laws, regulations and or other legal authority governing the custody, disclosure or use of Nonparty Borrower Information (hereinafter, "Nonparty Borrower Information Law"). The Producing Party is relieved of any obligation to seek the Receiving Party's compliance. To the extent that Nonparty Borrower Information Law permits disclosure of such Nonparty Borrower Information pursuant to an order of a court, this Order shall constitute compliance with such requirement. To the extent that any Nonparty Borrower Information Law requires a Producing Party, including third parties, to obtain a court-ordered subpoena or give notice to or obtain consent, in any form or manner, from any person or entity before disclosure of any Nonparty Borrower Information, the Court finds that, in view of the protections provided for such information disclosed in this Order, the volume of documents to be produced and the ongoing oversight of the Court, there is good cause to excuse such requirement, and this Order shall constitute an express direction that the Producing Party is exempted from obtaining a court-ordered subpoena or having to notify and/or obtain consent from any person or entity prior to the disclosure of Nonparty Borrower Information. To the extent that any Nonparty Borrower Information Law requires that any person or entity be notified prior to disclosure of Nonparty Borrower Information except where such notice is prohibited by court order, the Court directs that, in view of the protections provided for the information disclosed in this Order, the volume of documents to be produced and the ongoing oversight of the Court, the Parties are explicitly prohibited from providing such notice. Any disclosing Party may seek additional orders from this Court that such Party believes may be necessary to comply with any Nonparty Borrower Information Law.</p>

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J. Schweitzer	<i>U.S. Bank National Association v. DLJ Mortgage Capital, Inc.</i> , Index No. 651563/2013 (Comm. Div.)	<p>22. Production of any Non-Party Borrower Information in this Action pursuant to this Stipulation and Order shall satisfy and shall constitute compliance with the Producing Party's obligations under any federal or state law or other legal authority governing the disclosure or use of Non-Party Borrower Information, including but not limited to the Gramm-Leach-Bliley Act and the Fair Credit Reporting Act ("Non-Party Borrower Information Law") and any rules or regulations promulgated thereunder, and the disclosure of any Non-Party Borrower Information in this Action pursuant to this Stipulation and Order shall constitute disclosure of such Non-Party Borrower Information pursuant to 15 U.S.C. § 6802(e)(8), 16 C.F.R. 313.15(a)(7)(iii), 15 U.S.C. § 1681 b(a)(1) and any other law that is similar, comparable or equivalent to 15 U.S.C. § 6802(e)(8), 16 C.F.R. 313.15(a)(7)(iii) or 15 U.S.C. § 1681b(a)(1). To the extent that any Non-Party Borrower Information Law requires a Party to obtain a subpoena or to give notice to or obtain consent, in any form or manner, from any person or entity before disclosure, receipt, or use of any Non-Party Borrower Information, the Court finds that, in view of the protections provided for such information in this Stipulation and Order, the volume of documents to be produced and the ongoing oversight of the Court, there is good cause to excuse such requirement, and the Court hereby Orders that such Party is exempted from obtaining a court-ordered subpoena or having to notify and/or obtain consent from any person or entity prior to the disclosure, receipt, or use of Non-Party Borrower Information. To the extent that any Non-Party Borrower Information Law requires that any person or entity be notified prior to disclosure, receipt or use of Non-Party Borrower Information except where such notice is prohibited by court order, the Court hereby Orders that, in view of the protections provided for the information disclosed in this Stipulation and Order, the volume of documents to be produced and the ongoing oversight of the Court, the Parties are explicitly prohibited from providing such notice; provided, however, that this Stipulation and Order shall not prohibit any Party from contacting any person or entity for any other purpose. Any Party may seek additional orders from this Court that such Party believes may be necessary to comply with any Non-Party Borrower Information Law.</p>

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J. Pitman	<i>Lehman XS Trust, Series 2006-GP2 v. Greenpoint Mortgage Funding, Inc.</i> , No. 12-cv-7935, et al. (S.D.N.Y.)	<p>20. Production of any Personal Financial Information in this action pursuant to this Order shall satisfy and shall constitute compliance with the Producing Party's obligations under any federal or state law or other legal authority governing the disclosure or use of Personal Financial Information ("Personal Financial Information Law"), including but not limited to the Acts, and any rules or regulations promulgated thereunder, and the disclosure of any Personal Financial Information in this Action pursuant to this Order shall constitute disclosure of such Non-Party Borrower Information pursuant to 15 U.S.C. § 6802(e)(8), 16 C.F.R. 313.15(a)(7)(iii), 15 U.S.C. § 1681b(a)(1) and any other law that is similar, comparable or equivalent to 15 U.S.C. § 6802(e)(8), 16 C.F.R. 313.15(a)(7)(iii) or 15 U.S.C. § 1681b(a)(1). To the extent any Personal Financial Information Law requires a Party to obtain a court-ordered subpoena or give notice to or obtain consent, in any form or manner, from any person or entity before disclosure, receipt or use of any Personal Financial Information, the Court finds that, in view of the protections provided for such information in this Order, the volume of documents to be produced, and the ongoing oversight of the Court, there is good cause to excuse such requirement, and the Court hereby Orders, and this Order shall constitute an express direction, that the Producing Party is exempted from obtaining a court-ordered subpoena or having to notify and/or obtain consent from any person or entity prior to the disclosure of Personal Financial Information. To the extent that any Personal Financial Information Law requires that any person or entity be notified prior to disclosure, receipt or use of Personal Financial Information except where such notice is prohibited by court order, the Court hereby Orders and directs that, in view of the protections provided for such information in this Order, the volume of documents to be produced, and the ongoing oversight of the Court, the parties are explicitly prohibited from providing such notice; provided, however, that this Order shall not prohibit either Party from contacting any person or entity for any other purpose. Any Producing Party may seek additional orders from this Court that such Party believes may be necessary to comply with any Personal Financial Information Law.</p>

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J. Stanton	<i>Assured Guaranty Corp. v. EMC Mortgage LLC</i> , No. 12-cv-1945 (S.D.N.Y.)	<p>9. <u>Disclosure of Nonpublic Personal Information:</u> To the extent any federal or state law or other legal authority governing the disclosure or use of Nonpublic Personal Information (hereinafter, "Nonpublic Personal Information Law") permits disclosure of such information pursuant to an order of a court, this Order shall constitute compliance with such requirement. To the extent any Nonpublic Personal Information Law requires a Party to obtain a court-ordered subpoena or give notice to obtain consent, in any form or manner, from any person or entity before disclosure of any Nonpublic Personal Information Law, the Court finds that, in view of the protections provided for the information disclosed in this Order, the volume of documents to be produced, and the ongoing oversight of the Court, there is good cause to excuse such requirement, and this Order shall constitute an express direction that the Party is exempted from obtaining a court-ordered subpoena or having to notify and/or obtain consent from any person or entity prior to the disclosure of Nonpublic Personal Information. To the extent that any Nonpublic Personal Information Law requires that any person or entity be notified prior to disclosure of Nonpublic Personal Information except where such notice is prohibited by court order, the Court directs that, in view of the protections provided for the information disclosed in this Order, the volume of documents to be produced, and the ongoing oversight of the Court, the parties are explicitly prohibited from providing such notice; provided, however, that this Order shall not prohibit either Party from contacting any person or entity for any other purpose. Any Party may seek additional orders from this Court that such Party believes may be necessary to comply with any Nonpublic Personal Information Law.</p>

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J. Cote	<i>Federal Housing Finance Agency, etc. v. UBS Americas, Inc., et al.</i> , No. 11-cv-5201, et al. (S.D.N.Y.)	19. DISCLOSURE OF NON-PARTY BORROWER INFORMATION. To the extent any federal or state law or other legal authority governing the disclosure or use of Non-Party Borrower Information (hereinafter, "Non-Party Borrower Information Law") permits disclosure of such information pursuant to an order of a court, this Order shall constitute compliance with such requirement. To the extent any Non-Party Borrower Information Law requires a Producing Party and/or Receiving Party to obtain a court-ordered subpoena or give notice to or obtain consent, in any form or manner, from any person or entity before disclosure of any Non-Party Borrower Information, the Court finds that, in view of the protections provided for the information disclosed in this Order, the volume of documents to be produced and the ongoing oversight of the Court, there is good cause to excuse such requirement, and this Order shall constitute an express direction that the Producing Party and/or Receiving Party is exempted from obtaining a court-ordered subpoena, having to notify and/or obtain consent from any person or entity prior to the disclosure of Non-Party Borrower Information in the Action(s), and/or having to provide a certification that notice has been waived for good cause. To the extent that any Non-Party Borrower Information Law requires that any person or entity be notified prior to disclosure of Non-Party Borrower Information except where such notice is prohibited by court order, the Court directs that, in view of the protections provided for the information disclosed in this Order, the volume of documents to be produced and the ongoing oversight of the Court, Producing Parties are explicitly prohibited from providing such notice in the Action(s); provided, however, that this Order shall not prohibit any Producing Party from contacting any person or entity for any other purpose. Any Producing Party may seek additional orders from this Court that such party believes may be necessary to comply with any Non-Party Borrower Information Law.
J. Rakoff	<i>Public Employees' Retirement System of Mississippi, et al. v. Merrill Lynch & Co., Inc., et al.</i> , No. 08-cv-10841 (S.D.N.Y.)	9. To the extent any federal or state law governing the disclosure and use of Nonparty Borrower Information permits such disclosure only as required by an order of a court, the producing party's production of Nonparty Borrower Information in accordance with this Order shall constitute compliance with such requirement. To the extent any such laws require a producing or requesting party to give notice to the subject of any Nonparty Borrower Information prior to disclosure, the Court finds that there is good cause to excuse such requirement. Any producing party may take such additional actions, or seek additional orders from this Court, which such party believes may be necessary to comply with any federal or state laws governing the disclosure of Nonparty Borrower Information.

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J. Waldor	<i>The Prudential Insurance Company of America, et al. v. Credit Suisse Securities (USA) LLC, et al.</i> , No. 12-cv-7242 (D.N.J.)	32. To the extent any federal or state law or other legal authority governing the disclosure or use of Nonparty Borrower Information (hereinafter, “Nonparty Borrower Information Law”) permits disclosure of such information pursuant to an order of a court, this Order shall constitute compliance with such requirement. To the extent any Nonparty Borrower Information Law requires a disclosing party, including third parties, to obtain a court-ordered subpoena or give notice to or obtain consent, in any form or manner, from any person or entity before disclosure of any Nonparty Borrower Information, the Court finds that, in view of the protections provided for such information disclosed in this Order, the volume of documents to be produced and the ongoing oversight of the Court, there is good cause to excuse such requirement, and this Order shall constitute an express direction that the disclosing party is exempted from obtaining a court-ordered subpoena or having to notify and/or obtain consent from any person or entity prior to the disclosure of Nonparty Borrower Information. To the extent that any Nonparty Borrower Information Law requires that any person or entity be notified prior to disclosure of Nonparty Borrower Information except where such notice is prohibited by court order, the Court directs that, in view of the protections provided for the information disclosed in this Order, the volume of documents to be produced and the ongoing oversight of the Court, the parties are explicitly prohibited from providing such notice; provided however, that this Order shall not prohibit any party from contacting any person or entity for any other purpose. Any disclosing party may seek additional orders from this Court that such party believes may be necessary to comply with any Nonparty Borrower Information Law.

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Ch. Strine	<p><i>Bear Stearns Mortgage Funding Trust 2007-AR2 v. EMC Mortgage LLC</i>, C.A. No. 6861 (Del. Ch.)</p> <p><i>See also:</i> <i>Bear Stearns Mortgage Funding Trust 2006-SL1 v. EMC Mortgage LLC, et al.</i>, C.A. No. 7701 (Del. Ch.), Paragraph 18.1</p>	<p>33. To the extent any federal or state law or other legal authority governing the disclosure or use of Nonparty Borrower Information (hereinafter, a “Nonparty Borrower Information Law”) permits disclosure of such information pursuant to an order of a court, this Stipulation shall constitute compliance with such requirement. To the extent any Nonparty Borrower Information Law requires a Party to obtain a court-ordered subpoena or give notice to or obtain consent, in any form or manner, from any person or entity before disclosure of any Nonparty Borrower Information, the Court finds that, in view of the protections provided for the information disclosed in this Stipulation, the volume of documents to be produced and the ongoing oversight of the Court, there is good cause to excuse such requirement, and this Stipulation shall constitute an express direction that the Party is exempted from obtaining a court-ordered subpoena or having to notify and/or obtain consent from any person or entity prior to the disclosure of Nonparty Borrower Information. To the extent that any Nonparty Borrower Information Law requires that any person or entity be notified prior to disclosure of Nonparty Borrower Information except where such notice is prohibited by court order, the Court directs that, in view of the protections provided for the information disclosed in this Stipulation, the volume of documents to be produced and the ongoing oversight of the Court, the parties are explicitly prohibited from providing such notice; provided, however, that this Stipulation shall not prohibit either Party from contacting any person or entity for any other purpose. Any Producing Party may seek additional orders from this Court that such party believes may be necessary to comply with any Nonparty Borrower Information Law.</p>