

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the matter of the application of :

Index No. 652382/2014

U.S. BANK NATIONAL ASSOCIATION, THE :

Part 60

BANK OF NEW YORK MELLON, THE BANK OF :

NEW YORK MELLON TRUST COMPANY, N.A., :

Motion Sequence No. 19

WILMINGTON TRUST, NATIONAL :

ASSOCIATION, LAW DEBENTURE TRUST :

Hon. Marcy S. Friedman

COMPANY OF NEW YORK, WELLS FARGO :

BANK, NATIONAL ASSOCIATION, HSBC BANK :

Oral Argument Requested

USA, N.A., AND DEUTSCHE BANK NATIONAL :

TRUST COMPANY (as trustees under various Pooling :

NOTICE OF MOTION

and Servicing Agreements and indenture trustees under :

various Indentures), AEGON USA Investment :

Management, LLC (intervenor), Bayerische :

Landesbank (intervenor), BlackRock Financial :

Management, Inc. (intervenor), Cascade Investment, :

LLC (intervenor), the Federal Home Loan Bank of :

Atlanta (intervenor), the Federal Home Loan Mortgage :

Corporation (Freddie Mac) (intervenor), the Federal :

National Mortgage Association (Fannie Mae) :

(intervenor), Goldman Sachs Asset Management L.P. :

(intervenor), Voya Investment Management LLC (f/k/a :

ING Investment LLC) (intervenor), Invesco Advisers, :

Inc. (intervenor), Kore Advisors, L.P. (intervenor), :

Landesbank Baden-Wurttemberg (intervenor), :

Metropolitan Life Insurance Company (intervenor), :

Pacific Investment Management Company LLC :

(intervenor), Sealink Funding Limited (intervenor), :

Teachers Insurance and Annuity Association of :

America (intervenor), The Prudential Insurance :

Company of America (intervenor), the TCW Group, :

Inc. (intervenor), Thrivent Financial for Lutherans :

(intervenor), and Western Asset Management Company :

(intervenor),

Petitioners,

for an order, pursuant to CPLR § 7701, seeking judicial :

instruction.

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PLEASE TAKE NOTICE that Respondent-Investors,¹ by and through their undersigned attorneys, upon the (i) affirmation of Michael C. Ledley, Esq. affirmed May 29, 2015, and the exhibits thereto, and (ii) the accompanying Memorandum of Law dated May 29, 2015, and upon all prior pleadings and proceedings herein, shall, pursuant to Rule 3124 of the Civil Practice Law and Rules move this Court located at 60 Centre Street, Room 130, New York, New York 10007, on the 16th day of June, 2015 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order directing the Institutional Investors to produce documents concerning any presentation or analysis provided to or discussed with JPMorgan Chase & Co. (“JPMorgan”) relating to the subject matter of the proposed settlement agreement among JPMorgan, the Institutional Investors, and the Trustees, dated November 15, 2013, and modified July 29, 2014, or the negotiation of the proposed settlement.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), answering papers, if any, must be served at least seven (7) days prior to the return date hereof.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), reply papers, if any, shall be filed at least one (1) day prior to the return date of this motion.

¹ The Respondent-Investors are the National Credit Union Administration Board as Liquidating Agent for U.S. Central Federal Credit Union, Western Corporate Federal Credit Union, Members United Corporate Federal Credit Union, Southwest Corporate Federal Credit Union and Constitution Corporate Federal Credit Union (“NCUA”); the QVT Fund V LP, QVT Fund IV LP and Quintessence Fund L.P. (the “QVT Funds”); Ambac Assurance Corporation and The Segregated Account of Ambac Assurance Corporation (“Ambac”); DW Catalyst Master Fund, Ltd. and DW Value Master Fund, Ltd. (formerly Brevan Howard Credit Catalysts Master Fund Limited and Brevan Howard Credit Value Master Fund Limited) (the “DW Funds”); Triaxx Prime CDO 2006-1, Ltd., Triaxx Prime CDO 2006-2, Ltd., and Triaxx Prime CDO 2007-1, Ltd. (“Triaxx”); and W&L Investments, LLC (“WL”) (collectively, the “Respondent-Investors”).

Dated: New York, New York
May 29, 2015

WOLLMUTH MAHER & DEUTSCH LLP

KOREIN TILLERY LLC

By /s/ Michael C. Ledley
David H. Wollmuth
dwollmuth@wmd-law.com
Michael C. Ledley
mledley@wmd-law.com
Niraj J. Parekh
nparekh@wmd-law.com
Samantha C. Glazer
sglazer@wmd-law.com
500 Fifth Avenue
New York, New York 10110
Telephone: 212-382-3300
Facsimile: 212-382-0050

By /s/ John A. Libra
George A. Zelcs
gzels@koreintillery.com
John A. Libra
jlibra@koreintillery.com
Max C. Gibbons
mgibbons@koreintillery.com
Matthew C. Davies
mdavies@koreintillery.com
205 North Michigan Avenue, Suite 1950
Chicago, Illinois 60601
Telephone: 312-641-9760
Facsimile: 312-641-9751

Attorneys for Ambac and the QVT Funds

Attorneys for NCUA

MILLER & WRUBEL, P.C.

AXINN, VELTROP & HARKRIDER LLP

By /s/ John G. Moon
John G. Moon
jmoon@mw-law.com
570 Lexington Avenue
New York, New York 10022
Telephone: 212-336-3500
Facsimile: 212-336-3555

By /s/ Donald W. Hawthorne
Donald W. Hawthorne
dhawthorne@axinn.com
Magdalena H. Spencer
mspencer@axinn.com
114 West 47th Street
New York, New York 10036
Telephone: 212-728-2200
Facsimile: 212-728-2201

Attorneys for the Triaxx Entities

Attorneys for The DW Funds

JONES & KELLER, P.C.

By /s/ Michael A. Rollin

Michael A. Rollin
Maritza D. Braswell
1999 Broadway, Suite 3150
Denver, Colorado 80202
Telephone: 303-573-1600
Facsimile: 303-573-8133

Attorneys for W&L Investments, LLC