

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. \_\_\_\_\_

WILMINGTON TRUST, NATIONAL :

ASSOCIATION, LAW DEBENTURE TRUST :

Hon. Marcy S. Friedman

COMPANY OF NEW YORK, WELLS FARGO :

BANK, NATIONAL ASSOCIATION, HSBC BANK :

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

**NOTICE OF MOTION**

TRUST COMPANY (as trustees under various Pooling :

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-Wuerttemberg (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 upon the annexed Motion for Enlargement of Page Limit, Respondent-Investors<sup>1</sup>, by their undersigned counsel, respectfully move this Court for an Order relieving Respondent-Investors of the 25-page limit of Commercial Division Rule 17 in connection with their Omnibus Motion to Compel Disclosure From The Trustees, being filed contemporaneously herewith, and further granting Respondent-Investors permission to file a memorandum of law in support of their omnibus motion not to exceed 35 pages in length.

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<sup>1</sup> For purposes of this motion, “Respondent-Investors” are 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; the QVT Fund V LP, QVT Fund IV LP and Quintessence Fund L.P.; Ambac Assurance Corporation and The Segregated Account of Ambac Assurance Corporation; 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); and Triaxx Prime CDO 2006-1, Ltd., Triaxx Prime CDO 2006-2, Ltd., and Triaxx Prime CDO 2007-1, Ltd. W&L Investments, LLC (“W&L”) joins in this motion.

DATED: New York, NY  
July 7, 2015

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Respondent Investors, by their undersigned counsel, respectfully submit this Motion for relief from Rule 17 of the Commercial Division Rules in connection with their Omnibus Motion to Compel Disclosure From The Trustees,<sup>2</sup> being filed contemporaneously herewith. Rule 17 limits briefs and memoranda of law, other than reply briefs, to 25 pages.

Good cause exists for relieving Respondent-Investors of the 25-page limit of Rule 17. At the June 19, 2015 hearing in the above-captioned proceeding, the Court commanded that, to the extent the parties' discovery disputes could not be resolved, the parties should serve motions in the form of a single omnibus motion. Via stipulation filed on June 30, 2015 (NYSECF Doc No. 384), the parties agreed that such omnibus motions would be served and filed one week later on July 7. In preparing their omnibus motion and supporting memorandum of law, the Respondent-Investors found that it was not possible, as a group, to present their discovery disputes in a single memorandum of law not to exceed 25 pages in accordance with Rule 17. This was because Respondent-Investors' Omnibus Motion to Compel incorporates discovery disputes of ten (10) separate parties, and includes various aspects on which not all of the individual parties within this group join, and which must therefore be addressed separately.

Accordingly, Respondent-Investors respectfully request that the Court grant Respondent-Investors permission to file a memorandum of law in support of their Omnibus Motion to Compel not to exceed 35 pages in length.<sup>3</sup>

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<sup>2</sup> As used herein, the term "Trustees" has the same meaning as set forth in the The Trustees' Brief in Support of the Settlement (Aug. 3, 2014), NYSECF Doc. No. 9. The term "Institutional Investors" has the same meaning as set forth in The Institutional Investors' Response to the Objecting Certificateholders' Objections to the Trustees' Request for Relief (Dec. 3, 2014), NYSECF Doc. No. 192.

<sup>3</sup> On July 6, 2015, counsel for Respondent-Investors requested agreement from the other parties, via their counsel, that that the memorandum of law to be filed by Respondent-Investors in connection with their omnibus motion could exceed the Rule 17 page limit by ten (10) pages. The Institutional Investors agreed to this request, provided that they also be permitted an additional ten (10) pages with respect to their opposition memorandum. Respondent-Investors do not object to a 10-page extension of the Institutional Investors' opposition memorandum. The Trustees took no position with respect to Respondent-Investors' request.

DATED: New York, NY  
July 7, 2015

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