

Exhibit 4

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK - CIVIL TERM -PART NUMBER 39

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In the Matter of the Application of THE BANK OF
NEW YORK MELLON, (as Trustee under various Pooling
And Servicing Agreements and Indenture Trustee under
Various Indentures), Blackrock Financial Management Inc.
(Intervenor), Kore Advisors LP (intervenor), Maiden
Lane LLC (intervenor), Metropolitan Life Insurance
Company (intervenor), Trust Company of the West and
Affiliated companies controlled by The TCW Group
Inc (intervenor) Neuberger Berman Europe Limited
(Intervenor), Pacific Investment Management Company
LLC (intervenor), Goldman Sachs Asset Management LP
(Intervenor), Teachers Insurance and Annuity Association
Of America(intervenor), Invesco Advisors Inc,
(intervenor), Thrivent Financial for Lutherans
(intervenor), Landesbank Baden-Wuerttemberg (intervenor),
LBBW Asset Management (Ireland) plc, Dublin (intervenor),
ING Bank fsb (intervenor), ING Capital LLC (intervenor),
ING Investment Management LLC (intervenor), Nationwide
Mutual Insurance Company and its affiliated companies
(Intervenor), AEGON USA Investment Management LLC,
Authorized signatory for Transamerica Life Insurance
Company, AEGON Financial Assurance Ireland Limited,
Transamerica Life International (Bermuda) Ltd,
Monumental Life Insurance Company, Transamerica Advisors
Life Insurance Company, AEGON Global Institutional
Markets plc, LIICA Re II Inc, Pine Falls Re Inc,
Transamerica Financial Life Insurance Company,
Stonebridge Life Insurance Company, and Western Reserve
Life Assurance Co of Ohio (intervenor), Federal Home Loan
Bank of Atlanta (intervenor), Bayerische Landesbank
(intervenor), Prudential Investment Management Inc
(intervenor) and Western Asset Management Company
(intervenor),

Petitioners,

Index No.
651786/11

For an order, pursuant to CPLR 7701, seeking judicial
instructions and approval for a proposed settlement.

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60 Centre Street
New York, New York
June 14, 2012

B E F O R E:

HONORABLE BARBARA R. KAPNICK,
Supreme Court Justice.

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BY: GREGORY C. STRONG, Securities Commissioner

Gloria Ann Brandon,
Senior Court Reporter

Proceedings

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2 Is useful for this Court to know that the
3 people here pursuing this discovery have an agenda
4 that is at cross purposes with the 90 plus percent of
5 certificate holders?

6 Your Honor, what are they afraid of?

7 If it's so innocuous, if there's nothing to
8 it, let them produce the documents to you in camera
9 and you decide, but the truth of the matter is --

10 THE COURT: Oh, I have a lot of time for
11 that.

12 MISS PATRICK: Well, the truth of the
13 matter --

14 THE COURT: That's the person you're going
15 to hire after this.

16 MISS PATRICK: Yeah.

17 But, the other thing, your Honor, is, Mr.
18 Carlinsky asserts as a fix-it in his letter that
19 mediation privilege applies, could apply, could bar
20 discovery here, that he's met the criteria for it.
21 None of that is in his letter.

22 THE COURT: All of these just came in the
23 past day. I've had settlement negotiations in my
24 life. I'm not a mediator, I'm a Judge, but I
25 certainly have had plenty of settlement negotiations.
26 We know that there are CPLR rules that protect things

Proceedings

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2 that are discussed in settlement, not to be brought
3 into the Court, otherwise people will never want to
4 settle their cases. People will not want to mediate
5 their cases if everything that they're putting
6 forward in a mediation or settlement is then out
7 there for the world. I don't mediate or try to
8 settle my non-jury trials, because if it doesn't
9 settle, and I try them, then I know too much. We
10 will let somebody else do that. They go to someone
11 else, so I understand that concern, and I do think
12 that while in the course of that, of the mediation
13 would probably be privilege, but as I said, I spent a
14 few days researching that issue since you all raised
15 so many issues, I do -- I mean, I hear your point.

16 Again, I don't think it's the absolute
17 biggest priority, it's one of the issues raised, but
18 I'm wondering if, other than the discussions you had
19 in your mediation, and I don't really care about your
20 e-mail about setting up a mediation, if there's any
21 other discovery, or any other communications you may
22 have had with Bank of New York Mellon, or Bank of
23 America, or Countrywide--

24 I'm not sure they're represented.

25 MR. CARLINSKY: Bank of America, or
26 Countrywide is used interchangeably.