

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

In the matter of the application of

U.S. BANK NATIONAL ASSOCIATION, THE BANK OF NEW YORK MELLON, THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., WILMINGTON TRUST, NATIONAL ASSOCIATION, LAW DEBENTURE TRUST COMPANY OF NEW YORK, WELLS FARGO BANK, NATIONAL ASSOCIATION, HSBC BANK USA, N.A., and DEUTSCHE BANK NATIONAL 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.

Index No. 652382/2014

**AFFIDAVIT OF FELIX  
J. GILMAN IN  
SUPPORT OF  
RESPONDENT-  
INVESTORS'  
OMNIBUS MOTION  
TO COMPEL**

Assigned to: Friedman, J.

New York State            )  
  )        ss:  
County of New York    )

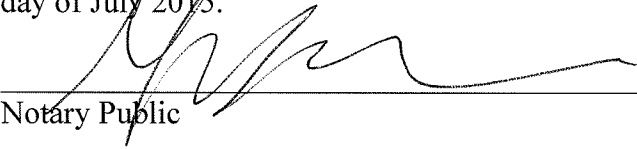
I, Felix J. Gilman, an attorney duly licensed to practice law in the State of New York, affirms under penalties of perjury that the following is true and correct and says:

1. I am a member in good standing of the bar of this Court and an associate at Axinn, Veltrop & Harkrider LLP, attorneys for Respondent-Investor The DW Funds.

2. Attached as Exhibit A to this affidavit are excerpts from the complaint filed in *Blackrock Balanced Capital Portfolio (FI), et al. v. HSBC Bank USA, NA*, 14 Civ. 9366 (S.D.N.Y.)

Dated: New York, New York  
July 17, 2015

Sworn and subscribed to before me this 17th  
day of July 2015.

  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Felix J. Gilman  
AXINN, VELTROP & HARKRIDER LLP  
114 West 47th Street  
New York, New York 10036  
Phone: (212) 728-2200  
Fax: (212) 728-2201  
Email: fgilman@axinn.com

**MAGDALENA HALE SPENCER**  
Notary Public, State of New York  
No. 02SP6258963  
Qualified in New York County  
Commission Expires April 9, 2016

## **EXHIBIT A**