

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: _____

PART 60

Justice

Index Number : 652382/2014
U.S. BANK NATIONAL ASSOCIATION
vs.
FOR AN ORDER, PURSUANT TO
SEQUENCE NUMBER : 023
COMPEL

INDEX NO.
MOTION DATE
MOTION SEQ. NO.

Handwritten initials: 7/21/15

The following papers, numbered 1 to _____, were read on this motion to/for _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits No(s).
Answering Affidavits — Exhibits No(s).
Replying Affidavits No(s).

Upon the foregoing papers, it is ordered that this motion is

MOTION IS PERMITTED TO BE WITHDRAWN PER STIPULATION

RECEIVED
JUL 21 2015
IAS MOTION SUPPORT OFFICE
NYS SUPREME COURT-CIVIL

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Dated: 7/20/15

JOHN F. WENNER, J.S.C.
Clerk

- 1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER
DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

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,

-against-

TRIAXX PRIME CDO 2006-1, LTD., TRIAXX PRIME CDO 2006-2, LTD., TRIAXX PRIME CDO 2007-1, LTD. (intervenor), QVT FUND V LP, QVT FUND IV LP, QUINTESSENCE FUND L.P., QVT FINANCIAL LP (intervenor), BREVAN HOWARD CREDIT CATALYSTS MASTER FUND LIMITED AND BREVAN HOWARD CREDIT VALUE MASTER FUND LIMITED (intervenor), 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 (intervenor), and AMBAC ASSURANCE CORPORATION, THE SEGREGATED ACCOUNT OF AMBAC ASSURANCE CORPORATION (intervenor) AND W&L INVESTMENTS, LLC (intervenor),

Respondents,

for an order, pursuant to CPLR § 7701, seeking judicial instruction, and approval of a proposed settlement.

Index No. 652382/2014

The Honorable Marcy S. Friedman,
J.S.C.

**STIPULATION AND [PROPOSED]
ORDER WITHDRAWING U.S.
BANK'S MOTION TO COMPEL
QVT TO PRODUCE DOCUMENTS
WITHOUT PREJUDICE**

WHEREAS, on May 12, 2015, U.S. Bank National Association (“U.S. Bank”) served its First Request for the Production of Documents (the “Document Request”) on QVT Fund V LP, QVT Fund IV LP, Quintessence Fund L.P., and QVT Financial LP (“QVT”);

WHEREAS, on June 4, 2015, QVT agreed to produce certain documents responsive to the Document Request;

WHEREAS, on June 30, 2015, all parties to this proceeding stipulated and agreed that all parties would serve their motions to compel by July 7, 2015;

WHEREAS, by July 7, 2015, QVT had not produced the documents responsive to the Document Request that it had agreed to produce;

WHEREAS, on July 7, 2015, U.S. Bank filed a motion to compel QVT to produce the documents it had agreed to produce on June 4 (the “Motion to Compel”);

WHEREAS, U.S. Bank and QVT desire to resolve their dispute with respect to the Motion to Compel;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for U.S. Bank and QVT that (i) QVT will produce all of the documents it agreed to produce on June 4 by July 24, 2015; and (ii) U.S. Bank will withdraw its Motion to Compel, without prejudice to renewing it should U.S. Bank identify any deficiencies in QVT’s production that it is unable to resolve with QVT.

IT IS FURTHER STIPULATED AND AGREED, that QVT will not oppose any such renewed motion to compel on timeliness grounds.

Dated: July 14, 2015
New York, New York

JONES DAY

/s/ Robert C. Micheletto
Robert C. Micheletto
Nina Yadava
222 East 41st Street
New York, New York 10017
(212) 326-3939

Matthew A. Martel
Joseph B. Sconyers
100 High Street, 21st Floor
Boston, Massachusetts 02110
(617) 960-3939

*Attorneys for Petitioner
U.S. Bank National Association*

WOLLMUTH MAHER & DEUTSCH LLP

/s/ Michael C. Ledley
David H. Wollmuth
Michael C. Ledley
Niraj J. Parekh
Samantha C. Glazer
500 Fifth Avenue
New York, New York 10110
(212) 382-3300

Attorneys for QVT

DATED:

ENTER,

Marcy S. Friedman, J.S.C.