

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 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), :
:

: Part 60

: Motion Sequence No. 24

: Hon. Marcy S. Friedman

: **NOTICE OF MOTION**
: **FOR PARTIAL**
: **SUMMARY JUDGMENT**

Petitioners, :

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

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PLEASE TAKE NOTICE, that upon the annexed Affidavit of Joel Wollman, dated

September 4, 2015, and the Affirmation of Michael C. Ledley, dated September 4, 2015, and the exhibits annexed thereto and the accompanying memorandum of law and joint statement of undisputed facts, Intervenor-Respondents QVT Fund V LP, QVT Fund IV LP and Quintessence Fund L.P. (collectively, the “QVT Funds”) will move this Court at the Motion Submission Part,

Room 130 at the Supreme Court located at 60 Centre Street, New York, New York 10007 on the 24th day of September, 2015 at 9:30 a.m., or as soon thereafter as counsel may be heard for an Order granting partial summary judgment to the QVT Funds against the petitioner U.S. Bank National Association pursuant to CPLR 3212.

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 hereof.

Dated: New York, New York
September 4, 2015

WOLLMUTH MAHER & DEUTSCH LLP

By: /s Michael C. Ledley
David H. Wollmuth
Michael C. Ledley
Niraj J. Parekh
Devika Persaud

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IV LP and Quintessence Fund L.P.*