

# SEWARD & KISSEL LLP

ONE BATTERY PARK PLAZA  
NEW YORK, NEW YORK 10004

M. WILLIAM MUNNO  
PARTNER  
(212) 574-1587  
munno@sewkis.com

TELEPHONE: (212) 574-1200  
FACSIMILE: (212) 480-8421  
WWW.SEWKIS.COM

901 K STREET, NW  
WASHINGTON, DC 20001  
TELEPHONE: (202) 737-8833  
FACSIMILE: (202) 737-5184

December 10, 2015

Honorable Marcy Friedman, Part 60  
New York Supreme Court  
60 Centre Street  
New York, NY

Re: *In the Matter of the Application of U.S. Bank Nat'l. Ass'n., et al.*  
Index No. 652382/2014

Dear Justice Friedman:

We write on behalf of Petitioners to request that the Court schedule a prehearing conference at its earliest convenience to address the following issues relevant to the January 20, 2016 evidentiary hearing in this matter:

1. Order for Relief

On December 7, 2015, the Objectors sent a letter (Doc #548) to the Court seeking a pre-motion conference concerning their proposed motion to strike paragraph 77 of the relief requested in the Trustees' Amended Petition. The Objectors' proposed motion is without merit, and, among other inaccuracies in the Objectors' letter, the suggestion that their proposal is consistent with the Countrywide and Citigroup Article 77 proceedings is simply wrong. In any event, the Trustees are mindful of the Court's comments during the Citigroup Article 77 proceeding concerning the scope of the relief requested in that matter and, prior to the next status conference, will submit a proposed final order and judgment that they believe takes into account the Court's concerns.

2. Unopposed Trusts

No objection has been lodged to the settlement for 295 Trusts, accounting for 93% of the trusts at issue in this proceeding. Two Trustees, Deutsche Bank and HSBC, similarly have no trusts in which any investor has lodged an objection to the settlement. Accordingly, pursuant to CPLR 409 and 410, we anticipate filing prior to the hearing written evidentiary submissions—similar to those submitted in the Citigroup Article 77 Proceeding—establishing that the trustees have met their burden to obtain the relief they seek on behalf of those trusts. Presentation of these written submissions will also streamline the presentation of evidence on behalf of the 24 trusts where there are objections.

3. Prehearing Administrative Deadlines

The parties also need to confer with the Court regarding certain pre-hearing scheduling matters. We will endeavor to reach agreement on such issues as we can before any conference, but will need the Court's views before we finalize certain pre-hearing dates.

4. Courtroom Technology and LiveStream of Testimony

Petitioners intend to retain a technology provider to facilitate the electronic presentation of evidence. Such a technology provider could also equip the courtroom and the bench, if the Court wished, to permit the Court to view live, simultaneous transcription of the testimony. It would be helpful to know the Court's preferences in this regard and to obtain a schedule on which the provider could have access to the courtroom to install the necessary equipment.

Counsel for the Petitioners can be available at the Court's convenience for this conference. We will contact the Court shortly to obtain possible dates, should the Court agree to schedule such a conference.

By copy of this letter all counsel of record have been advised of this correspondence.

Respectfully yours,

*M. William Munno* /TRH  
M. William Munno