

In the matter of the application of

WELLS FARGO BANK, NATIONAL ASSOCIATION, 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, HSBC BANK USA, N.A., and DEUTSCHE BANK NATIONAL TRUST COMPANY (as Trustees, Indenture Trustees, Securities Administrators, Paying Agents, and/or Calculation Agents of Certain Residential Mortgage-Backed Securitization Trusts),

Petitioners,

For Judicial Instructions under CPLR Article 77 on the Distribution of a Settlement Payment.

Index No. 657387/2017

**NOTICE OF INTENTION  
TO USE CONFIDENTIAL  
INFORMATION AT  
MAY 7, 2018 HEARING**

The parties challenging standing hereby give notice of their intention to use Confidential Information at the hearing scheduled for 10:00 a.m. on May 7, 2018.

Pursuant to the Court's February 13, 2018 Scheduling Order, the parties were required to exchange verified information with one another concerning the nature of the interests they claimed to hold related to the Settlement Trusts. The Scheduling Order permitted parties to designate this information as "Outside Attorneys' Eyes Only" and further provided that, "Information exchanged pursuant to this paragraph shall be deemed to be Confidential Information for purposes of any filings with the Court, as that term is defined in Paragraph 3(a) of the Commercial Division's Model Confidentiality Order ('Model Order'), and parties shall comply with Paragraph 12 of the Model Order in filing any Confidential Information with the Court." *See* February Scheduling Order at 2.

Although the remainder of the Model Order has not yet been entered, Paragraph 9 of the Model Order provides that parties may use Confidential Information at evidentiary hearings:

Should the need arise for any of the parties to disclose Confidential Information during any hearing or trial before the Court, including through argument or the presentation of evidence, such party may do so only after taking such steps as the Court, upon motion of the disclosing party, shall deem necessary to preserve the confidentiality of such Confidential Information.

While no disclosing party has taken any further steps, by way of motion, to limit the use of Confidential Information at evidentiary hearings, the parties challenging standing thought it prudent to advise the Court and all parties that, at oral argument, they intend to refer to the Confidential Information that has been exchanged, as reference to this information is essential to support their arguments that the securities in question do not constitute “interests” in the Settlement Trusts for purposes of Article 77.

Dated: New York, New York  
May 4, 2018

WARNER PARTNERS, P.C.

By: /s/ Kenneth E. Warner  
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