

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

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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), :

INDEX NO. 657387/2017

Friedman, J.

Petitioners, :

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

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RESPONSE BRIEF OF STRATEGOS CAPITAL MANAGEMENT, LLC

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Attorneys for Respondent Strategos Capital Management, LLC

Respondent Strategos Capital Management, LLC (“Strategos”), by and through its undersigned counsel, hereby submits its response to opening merits briefs filed on September 14, 2018 regarding the issues raised by the Petition.¹ Strategos adopts and incorporates by reference Points I and III.B of the Response Brief of Tilden Park Capital Management LP (NYSCEF Doc. No. 668) and respectfully requests that the Court instruct the Trustee to distribute the Settlement Payment and write up, as necessary, to the certificate classes in BSABS 2005-HE9 and BSABS 2005-AQ2 whose principal balances were reduced to zero because of realized losses.

Respectfully submitted,

DECHERT LLP

By: /s/ Mauricio A. España
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*Attorneys for Respondent
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¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the Petition.