

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

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 Administration and Distribution of a
Settlement Payment.

Index No. 657387/2017

**NOTICE OF [PROPOSED]
PROCEDURAL ORDER
CONCERNING SETTLEMENT
TRUSTS FOR WHICH NO
INVESTORS HAVE APPEARED
(5 TRUSTS)**

TO THE HONORABLE MARCY FRIEDMAN:

The undersigned Petitioners (the “Relevant Petitioners”) jointly move for entry of the enclosed proposed order (the “Proposed No Appearance Procedural Order”) concerning resolution of issues identified in the Petition¹ related to the Settlement Payment Application Process for five Settlement Trusts for which no investor has appeared in this proceeding (the “No Appearance Settlement Trusts”). The Court previously addressed the No Appearance Settlement Trusts in the Interim Order Concerning Settlement Trusts For Which No Investors Have Appeared, entered on the docket on March 15, 2018 (NYSCEF No. 270) (the “No Appearance Interim Order”). As

¹ Capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Petition (NYSCEF No. 1).

directed in the No Appearance Interim Order, the Relevant Petitioners hereby “submit to the Court a proposed procedure for addressing the issues for the No Appearance Settlement Trusts.”²

The issues related to the No Appearance Settlement Trusts substantially overlap with the issues related to the Settlements Trusts for which the Settlement Payment Application Process has been subject to dispute. On February 13, 2020, the Court issued a Decision and Order (NYSCEF No. 843) (the “Merits Ruling”) ruling on these issues as to the disputed Settlement Trusts. Under the Proposed No Appearance Procedural Order, the Relevant Petitioners would, where possible, file proposed partial severance orders and partial final judgments to resolve the issues related to the No Appearance Settlement Trusts in a manner consistent with the Merits Ruling. Or, if one or more issue(s) applicable to a No Appearance Settlement Trust is not sufficiently addressed in the Merits Ruling or requires further guidance from the Court, the Relevant Petitioner(s) would submit a proposed procedure for resolving the issues applicable to such No Appearance Settlement Trust. This process in the Proposed No Appearance Procedural Order would facilitate the resolution of issues related to the No Appearance Settlement Trusts and the ultimate distribution of the related Allocable Shares for the No Appearance Settlement Trusts.

For the reasons set forth herein and in the Proposed No Appearance Procedural Order, the Relevant Petitioners respectfully request that the Court enter the Proposed No Appearance Procedural Order.

Dated: New York, NY
July 31, 2020

² In January 2019, the Relevant Petitioners filed a Proposed Modified Interim Order Concerning Settlement Trusts For Which No Investors Have Appeared (NYSCEF No. 786) (the “Proposed Modified Interim Order”), which proposed a procedure for addressing the issues for the No Appearance Settlement Trusts. The Court has not acted on or entered the Proposed Modified Interim Order.

JONES DAY


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