

At IAS Part 60 of the Supreme Court of
The State of New York, held in and for the
County of New York, at the Courthouse
Located at 60 Centre Street, New York,
New York, on the ___ day of January, 2018

PRESENT:

HON. MARCY FRIEDMAN

Justice.

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, et al., :

Petitioners, :

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

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Index No. 657387/2017

[PROPOSED] CLARIFYING ORDER

WHEREAS on December 19, 2017, the Court entered an Order to Show Cause (Docket No. 30) (the “Order to Show Cause”) setting out a procedure for notice to Certificateholders and any other persons claiming an interest in any of the Settlement Trusts (each, an “Interested Person”) of this proceeding, a briefing schedule, and a final hearing date, subject to reconsideration and adjournment;

WHEREAS capitalized terms used but not defined herein have the meanings ascribed to such terms in the Order to Show Cause;

WHEREAS on January 16, 2018, the Court convened a conference call at the request of certain Interested Persons, who sought clarification of Paragraphs 9 and 12 of the Order to Show

Cause relating to the Submissions due on January 29, 2018 (the “January 29, 2018 Submissions”);

WHEREAS the Interested Persons participating in that conference call have agreed on the below clarifications concerning Paragraphs 9 and 12 of the Order to Show Cause, and the Court has determined that there is good cause for such clarifications;

SUFFICIENT CAUSE THEREFORE BEING ALLEGED, IT IS THEREFORE

ORDERED that the January 29, 2018 Submissions contemplated by Paragraph 9 of the Order to Show Cause shall (a) identify the Settlement Trust(s) in which the party claims an interest; and (b) include a brief statement of any position on which the party wishes to be heard regarding the issues raised in the Petition (i.e. how such party believes the governing agreements and/or settlement agreement should be interpreted, and how the settlement payment should be distributed for the Settlement Trust(s) in which such party claims an interest);

ORDERED that any party claiming an interest in any Settlement Trust(s) shall provide evidence, by affidavit or otherwise, to the relevant Trustee(s) of such Settlement Trust(s) verifying the existence and form of such interest, including whether the party holds certificates and the particular trust certificates through which such interest is held; provided, however, that the Petitioners shall have no obligation to independently verify the evidence provided by any party nor make any determination concerning whether any party has the right to be heard in the proceeding;

ORDERED that no party is required to file a formal Answer to the Petition admitting or denying the allegations in the Petition; provided, however, that a failure to file the January 29, 2018 Submissions will be governed by the Order to Show Cause;

ORDERED that the January 29, 2018 Submissions shall be double-spaced and shall not exceed a total of 15 pages, not including any documentary evidence, notices of appearance or intention to appear, or annexes identifying the Settlement Trust(s) in which the party claims an interest;

ORDERED that within one business day of the entry of this Clarifying Order on the court e-filing system (“NYSCEF”), the Petitioners shall post this Clarifying Order on <http://www.rmbstrusteesettlement.com>, the public settlement website maintained by the Petitioners; and

ORDERED that any Interested Person desiring to submit a request for further merits briefing or to modify the provisions of Paragraph 10 of the Order to Show Cause shall make such request at the preliminary status conference scheduled on January 31, 2018 at 10:00 a.m., pursuant to Paragraph 8 of the Order to Show Cause.

ENTERED:

Marcy S. Friedman, J.S.C.