## 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.

STATE OF MINNESOTA )

) ss. COUNTY OF HENNEPIN )

Stephen M. Mertz, being duly sworn, deposes and says:

1. I am a member of the firm Faegre Baker Daniels LLP located in Minneapolis,

Minnesota and counsel to the Petitioner Wells Fargo Bank, National Association ("Wells Fargo") in this proceeding. I respectfully submit this Affidavit in support of Wells Fargo's motion for an Order seeking my *pro hac vice* admission to represent Wells Fargo in this matter, together with local counsel Hahn & Hessen LLP, pursuant to 22 N.Y.C.R.R. §§ 520.11 and 602.2(a).

2. I am admitted to practice law in the State of Minnesota and am a member in good standing of the Minnesota State Bar. Attached as Exhibit A is a certified copy of a Certificate of Good Standing from the Minnesota State Bar dated December 7, 2017.

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AFFIDAVIT OF STEPHEN M. MERTZ IN SUPPORT OF MOTION FOR ADMISSION PRO HAC VICE

Hon. Marcy S. Friedman

3. I am also admitted to practice in the U.S. Court of Appeals for the Eighth Circuit and the U.S. District Court for the District of Minnesota.

4. I have been practicing law for almost 20 years. I also appeared *pro hac vice* in this Court on behalf of Wells Fargo in a related proceeding before the Hon. Marcy Friedman in the action titled <u>In re U.S. Bank Nat'l Ass'n, et al.</u>, Index. No. 652382/2014.

5. I have never been and am not presently subject to any disciplinary proceedings.

6. I am familiar with and shall comply with the standards of professional conduct imposed upon members of the New York State Bar, including the rules of court governing the conduct of attorneys and the Rules of Professional Conduct, and shall be subject to the jurisdiction of the courts of the State of New York with respect to any acts occurring during the course of my participation in the above-captioned matter.

7. I shall also be subject to all disciplinary rules and regulations of the courts of the State of New York, and will notify this Court immediately of any matter affecting my standing with the Minnesota State Bar.

WHEREFORE, I respectfully request that Wells Fargo's motion for an Order, pursuant to 22 N.Y.C.R.R. §§ 520.11 and 602.2(a), for my admission *pro hac vice* be granted in its entirety.

Dated:

Minneapolis, Minnesota

December 15, 2017

On the 15<sup>th</sup> day of December in the year 2017, before me, the undersigned, personally appeared Stephen M. Mertz, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Nowell ++\_ Notary Public

PATRICIA S MCDOWELL Notary Public Minnesota My Commission Expires January 31, 2020

## FILED: NEW YORK COUNTY CLERK 12/15/2017 01:16 PM

NYSCEF DOC. NO. 26

## CERTIFICATE OF CONFORMITY OF ACKNOWLEDGMENT

STATE OF MINNESOTA)) ss.:COUNTY OF HENNEPIN)

The undersigned does hereby certify that he/she is an attorney-at-law duly admitted to practice in the State of Minnesota with an office at Minneapolis, Minnesota; that he/she is a person duly qualified to make this certificate of conformity pursuant to Section 299-a of the Real Property Law of the State of New York; that he/she is fully acquainted with the laws of the State of Minnesota pertaining to the administration and taking of oaths and affirmations; that the foregoing acknowledgment by Stephen M. Mertz named in the foregoing instrument taken before Patricia S. McDowell, a notary public (or other officer) was taken in the manner prescribed by such laws of the State of Minnesota being the state in which it was taken; and that it duly conforms with such laws and is in all respects valid and effective in such state.

IN WITNESS WHEREOF, my signature this 15th day of December 2017.

Print Name:

Signature:

State Attorney ID No.: 0391256 Address: Faegre Baker Daniels LL

Faegre Baker Daniels LLP 2200 Wells Fargo Center 90 S. 7<sup>th</sup> Street Minneapolis, MN 55402-3901