

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FIRST DEPARTMENT

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.

Appellate Div. No. 2020-02716

New York County Clerk's
Index No. 657387/2017

**AFFIRMATION OF
STEPHEN M. MERTZ
IN SUPPORT OF
APPLICATION
FOR ADMISSION
*PRO HAC VICE***

STEPHEN M. MERTZ, an attorney duly admitted to practice law in the Courts of the State of Minnesota, hereby affirms the following under the penalties of perjury, pursuant to CPLR § 2106:¹

1. I am a member of the firm Faegre Drinker Biddle & Realth LLP and counsel to Petitioner Wells Fargo Bank, National Association (“Wells Fargo”). I respectfully submit this affirmation in support of Wells Fargo’s application seeking my *pro hac vice* admission to represent Wells Fargo in this proceeding, pursuant to 22 N.Y.C.R.R. §§ 602.2(a) and 1250.4(e) and § 520.11 of the Rules of the Court of Appeals.

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 November 23, 2020.

3. I am also admitted and a member of good standing in the U.S. Court of Appeals for the Eighth Circuit and the U.S. District Court for the District of Minnesota.

4. I am associated with local counsel of record, Zachary G. Newman and

¹ Due to the COVID-19 epidemic, I am unable to obtain a notary signature. I respectfully request that the Court accept this affirmation in lieu of an affidavit pursuant to CPLR 2106.

Brigitte R. Rose of Hahn & Hessen LLP, each of which are members in good standing of the New York State Bar.

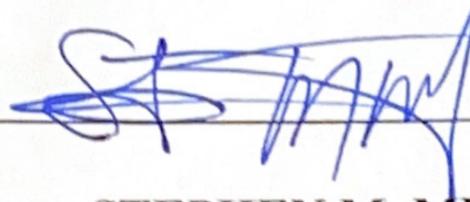
5. I was granted *pro hac vice* admission in the underlying Supreme Court action by the Hon. Marcy Friedman by order dated January 10, 2018 and entered January 12, 2018 and participated extensively as counsel for Wells Fargo in the proceeding below. *See* Exhibit A to Affirmation of Zachary G. Newman.

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

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WHEREFORE, I respectfully request that Wells Fargo's application, pursuant to 22 N.Y.C.R.R. § 1250.4(e), for my admission *pro hac vice* be granted in its entirety.

Dated: December 9, 2020
Minneapolis, Minnesota



STEPHEN M. MERTZ