

NOTE OF ISSUE  
Appellate Case No. 2020-02716

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**New York Supreme Court**  
**Appellate Division—First Department**

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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, NA, 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 Distribution of a Settlement Payment

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*Appellants-Respondents*

AEGON USA INVESTMENT MANAGEMENT, LLC,  
BLACKROCK FINANCIAL MANAGEMENT, INC.,  
CASCADE INVESTMENT, LLC, FEDERAL HOME LOAN  
BANK OF ATLANTA, FEDERAL HOME LOAN  
MORTGAGE CORP., FEDERAL NATIONAL  
MORTGAGE ASSOCIATION, GOLDMAN SACHS ASSET  
MGMT L.P., VOYA INVESTMENT MGMT LLC,  
INVESCO ADVISERS, INC., KORE ADVISORS, L.P.,  
METROPOLITAN LIFE INS. CO., PACIFIC  
INVESTMENT MGMT COMPANY LLC, TEACHERS INS.  
AND ANNUITY ASSOC. OF AMERICA, TCW  
GROUP, INC., THRIVENT FINANCIAL FOR  
LUTHERANS and WESTERN ASSET MGMT. CO.  
(the “Institutional Investors”)

– and –

*Appellants-Respondents*

AMERICAN GENERAL LIFE INSURANCE COMPANY,  
AMERICAN HOME ASSURANCE COMPANY,  
LEXINGTON INSURANCE COMPANY, NATIONAL  
UNION FIRE INSURANCE COMPANY OF  
PITTSBURGH, PA., THE UNITED STATES LIFE  
INSURANCE COMPANY IN THE CITY OF NEW YORK  
and THE VARIABLE ANNUITY LIFE INSURANCE  
COMPANY  
(the “AIG Parties”)

– and –

*Appellants-Respondents*

ELLINGTON MANAGEMENT GROUP, L.L.C. and DW  
PARTNERS LP  
(the “Ellington and DW Parties”)

– and –

*Appellants-Respondents*

TILDEN PARK INVESTMENT MASTER FUND LP on  
behalf of itself and its advisory clients, TILDEN PARK  
MANAGEMENT I LLC on behalf of itself and its advisory  
clients and TILDEN PARK CAPITAL MANAGEMENT LP  
on behalf of itself and its advisory clients  
(the “Tilden Park Parties”)

– and –

*Appellants-Respondents*

PROPHET MORTGAGE OPPORTUNITIES LP, POETIC  
HOLDINGS VI LLC, POETIC HOLDINGS VII LLC and  
U.S. BANK NATIONAL ASSOCIATION, solely in its  
capacity as Indenture Trustee for the Prophet and Poetic  
Trusts  
(the “Prophet and Poetic Parties”)

– and –

*Appellant-Respondent*

AMBAC ASSURANCE CORPORATION  
(“Ambac”)

– and –

*Appellants-Respondents*

U.S. BANK NATIONAL ASSOCIATION, as NIM Trustee,  
U.S. Bank, solely in its capacity as Indenture Trustee for the  
HBK Trusts  
(the “HBK Parties”)

– against –

*Respondent*

NOVER VENTURES, LLC  
(“Nover”)

– and –

*Respondent*

D.E. SHAW REFRACTION PORTFOLIOS, L.L.C.  
(“D.E. Shaw”)

– and –

*Respondent*

STRATEGOS CAPITAL MANAGEMENT, LLC  
(“Strategos”)

– and –

*Respondents*

OLIFANT FUND, LTD., FFI FUND LTD. and FYI LTD.  
(the “Olifant Parties”)

– and –

*Respondents*

GMO OPPORTUNISTIC INCOME FUND  
and GMO GLOBAL REAL RETURN  
(the “GMO Parties”)

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1. Term noticed for: January 2021.

2. The dates of the Notices of Appeal are March 2, 2020, March 10, 2020, March 13, 2020, and March 16, 2020.
3. The Order was entered on February 13, 2020.
4. The Order was rendered by the Honorable Marcy S. Friedman.
5. This is an Article 77 Proceeding.
6. The index number is 657387/17. The Appellate Division case number is 2020-02716.