

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 MAYA D. CATER IN RESPONSE TO KENNETH E.
WARNER'S APPLICATION FOR ADJOURNMENT**

MAYA D. CATER, an attorney duly admitted to practice in the State of New York, affirms the following under penalty of perjury:

1. I am member in good standing of the Bar of the State of New York and a partner of the firm Kleinberg, Kaplan, Wolff & Cohen, P.C., counsel for the proposed *amicus curiae* Solula LLC ("Solula"). I make this affirmation in response to Kenneth E. Warner's application for expedited service and/or interim relief to adjourn the return date for Solula's motion for leave to file a brief *amicus curiae*.


2. On Thursday, March 18, 2021, I received an email from Mr. David Sheeren of Gibbs & Bruns LLP (co-counsel with Mr. Warner for the Institutional Investors) requesting to adjourn the return date of Solula's motion for leave for

seven days, from March 22, 2021 to March 31, 2021. Neither Mr. Sheeren nor Mr. Warner informed me of Mr. Warner's intent to file an application to the Court for adjournment.

3. To the best of my knowledge, the appeal is not in "limbo" (Warner Affirmation, 7). Merits briefing was completed in December 2020. An unopposed joint motion concerning the merits briefing was filed on January 13, 2021 and corrected on March 14, 2021 at the Court's direction. Other than Solula's motion for leave, no other motions have been filed. As such, the calendaring of this appeal appears imminent. Solula believes the March 22 return date is therefore necessary to afford the Court sufficient time to consider the motion for leave and the proposed brief.

4. For this reason, Solula respectfully requests the Court deny Mr. Warner's application for a 14-day adjournment.

Dated: March 22, 2021
New York, New York

By: 

Maya D. Cater