

## **Exhibit 2**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

In the matter of the application of

THE BANK OF NEW YORK MELLON (as Trustee under various Pooling and Servicing Agreements and Indenture Trustee under various Indentures), *et al.*

Petitioners,

for an order, pursuant to C.P.L.R. § 7701, seeking judicial instructions and approval of a proposed settlement.

Index No. 651786/2011

Assigned to: Kapnick, J.

**SUBPOENA  
Pursuant to CPLR §  
2302(a)**

TO: Emphasys Technologies, Inc.  
c/o Matthew D. Ingber  
Mayer Brown LLP  
1675 Broadway  
New York, New York 10019

**PURSUANT TO CPLR § 2302(a), YOU ARE HEREBY COMMANDED** to appear before an officer authorized by law to take depositions at the offices of Quinn Emanuel Urquhart & Sullivan, LLP, 51 Madison Ave., 22nd floor, New York, New York 10010, on November 15, 2012, commencing at 9:00 a.m. The deposition will be videotaped by TSG Reporting, 747 Third Ave., New York, NY 10017.

**PLEASE TAKE NOTICE** that false swearing or failure to comply with this subpoena is punishable as a contempt of court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed fifty dollars and all damages sustained by reason of your failure to comply.

DATED: November 8, 2012

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