

Exhibit 5

MAYER • BROWN

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Matthew D. Ingber
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Direct Fax +1 212 849 5973
mingber@mayerbrown.com

November 8, 2012

VIA ELECTRONIC MAIL

TO: STEERING COMMITTEE

Re: *In re the Application of The Bank of New York Mellon* (Index No. 6517876-2011)

Dear Counsel:

Pursuant to Paragraph 2(c) of the protective order signed by the parties and so ordered by Justice Kapnick on June 14, 2012 (the "Protective Order"), The Bank of New York Mellon designates the following portions of the deposition of Brian Lin as "Confidential," as it is defined in the Protective Order:

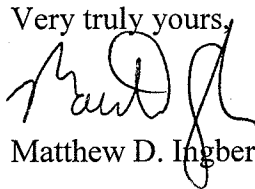
October 16, 2012 Transcript Page/Line Designation	October 17, 2012 Transcript Page/Line Designation
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60:24-63:21	359:9-383:15
64:16-68:21	385:20-406:20
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89:17-127:18	452:22-472:25
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606:24-607:8
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620:5-663:16
664:15-668:16
670:2-675:11
675:21-678:2

Please feel free to call or email me if you have any questions.

Very truly yours,

Matthew D. Ingber

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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) Index No.
Pooling and Servicing) 651786/2011
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.)
-----)

VIDEOTAPED DEPOSITION OF BRIAN LIN
New York, New York
October 16, 2012

JOB NO. 53622
Reported by:

KRISTIN KOCH, RPR, RMR, CRR, CLR

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October 16, 2012
9:09 a.m.

Videotaped Deposition of BRIAN LIN,
held at the offices Quinn Emanuel
Urquhart & Sullivan, LLP, 51 Madison
Avenue, New York, New York, before Kristin
Koch, a Registered Professional Reporter,
Registered Merit Reporter, Certified
Realtime Reporter, Certified Livenote
Reporter and Notary Public of the State of
New York.

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A P P E A R A N C E S:

REILLY POZNER LLP
Attorneys for The American
International Group entities
1900 Sixteenth Street, Suite 1700
Denver, Colorado 80202

BY: MICHAEL A. ROLLIN, ESQ.
MICHAEL T. KOTLARCZYK, ESQ.
JOHN M. McHUGH, ESQ.

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Attorneys for Federal Home Loan Banks of
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1201 Third Avenue, Suite 3200
Seattle, Washington 98101
BY: DAVID KO, ESQ.

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A P P E A R A N C E S: (Continued)

GIBBS & BRUNS LLP
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Petitioners and Brian Lin
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Petitioners and Brian Lin
1675 Broadway
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BY: MATTHEW D. INGBER, ESQ.
JASON H. P. KRAVITT, ESQ.
CHRISTOPHER J. HOUP, ESQ.

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A P P E A R A N C E S: (Continued)

SCOTT + SCOTT LLP
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Platinum Underwriters Bermuda, Ltd.,
Reliance Standard Life Insurance Co.,
First Reliance Standard Life Insurance
Co., and Safety National Casualty Corp.
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1
 2 A P P E A R A N C E S: (Continued)
 3
 4
 5 QUINN EMANUEL URQUHART & SULLIVAN, LLP
 6 Attorneys for The American
 7 International Group entities
 8 51 Madison Avenue, 22nd floor
 9 New York, New York 10010
 10 BY: MICHAEL B. CARLINSKY, ESQ.
 11
 12
 13 WACHTELL, LIPTON, ROSEN & KATZ
 14 Attorneys for Bank of America
 15 51 West 52nd Street
 16 New York, New York 10019
 17 BY: ALBERT J. MARTINEZ, ESQ.
 18
 19
 20 TALCOTT FRANKLIN P.C.
 21 Attorneys for Knights of Columbus
 22 208 North Market Street, Suite 200
 23 Dallas, Texas 75202
 24 BY: MARTHA EVANS, ESQ. (Via telephone)
 25

1
 2 THE VIDEOGRAPHER: This is the start
 3 of media labeled number 1 of the videotaped
 4 deposition of Brian Lin in the matter of
 5 the application of the Bank of New York
 6 Mellon.
 7 This deposition is being held at 51
 8 Madison Avenue, New York, New York on
 9 October 16th, 2012 at approximately
 10 9:09 a.m.
 11 My name is Dale Swindell from TSG
 12 Reporting, Incorporated and I am the
 13 certified legal video specialist. The
 14 court reporter is Kristin Koch in
 15 association with TSG Reporting.
 16 Counsel will be noted on the court
 17 reporter's record.
 18 Will the court reporter please swear
 19 in the witness.
 20 * * *
 21
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1
 2 A P P E A R A N C E S: (Continued)
 3
 4
 5 ROBINS, KAPLAN, MILLER & CIRESI LLP
 6 Attorneys for Federal Home Loan Bank of
 7 Pittsburgh
 8 800 LaSalle Avenue
 9 2800 LaSalle Plaza
 10 Minneapolis, Minnesota 55402
 11 BY: THOMAS F. BERNDT, ESQ. (Via telephone)
 12
 13
 14 JOSEPH SENSENBRENNER, ESQ. (Via telephone)
 15 Delaware Attorney General's Office
 16 Assistant Deputy Attorney General
 17 820 North French Street
 18 Wilmington, Delaware 19801
 19
 20
 21 ALSO PRESENT:
 22
 23 DALE SWINDELL, Legal Video Specialist
 24
 25

1
 2 BRIAN LIN,
 3 called as a witness, having been duly sworn
 4 by a Notary Public, was examined and
 5 testified as follows:
 6 EXAMINATION BY
 7 MR. ROLLIN:
 8 Q. Good morning, Mr. Lin.
 9 A. Good morning, Mr. Rollin.
 10 Q. Have you ever given a deposition
 11 before?
 12 A. No.
 13 Q. Your lawyer may have gone over it
 14 with you, but just a couple of preliminaries.
 15 This is a question-and-answer session under
 16 oath. Do you understand that?
 17 A. Yes.
 18 Q. You understand that everything we
 19 say is being taken down by the court reporter;
 20 right?
 21 A. Yes.
 22 Q. There are a couple of important
 23 things that we have to remember. One, we have
 24 to try not to talk over each other, so I will
 25 try to let you finish your answer before I

1 Lin
 2 Q. I mean as broadly as you can think
 3 of being retained as an expert, whether it's
 4 consulting or testifying or as a trustee expert
 5 or anything else.
 6 A. Oh, okay, so that's four years ago.
 7 I thought you meant as if I was the -- so
 8 generally speaking -- I mean, our firm, we do
 9 expert witness type line of work.
 10 Q. Okay. And have you been involved in
 11 other expert witness work at your firm or is
 12 that somebody else?
 13 A. I have been involved.
 14 Q. Okay. And is that three times?
 15 A. I think that's -- I think that's
 16 three times.
 17 Q. And does that three times include
 18 this engagement?
 19 A. Yes.
 20 Q. Other than this engagement, tell me
 21 about the other two expert engagements.
 22 MR. INGBER: I am just going to
 23 interject here. If there is any
 24 confidentiality issues, keep that in mind.
 25 If you need to take a break, we could chat

1 Lin
 2 damages? Okay. I am putting you in a bad
 3 spot, Mr. Lin. I don't want to do that.
 4 That's not my intention. The next time we take
 5 a break, if it's all right, if you can consult
 6 with your partners about what you can reveal
 7 about those other retentions, I would
 8 appreciate it, but it bears on your ability to
 9 be an expert and your background in this case
 10 and that's why I am asking you. I am not just
 11 trying to probe.
 12 A. I understand. I understand.
 13 Q. Can you tell me whether you have any
 14 prior expert experience determining the
 15 reasonableness of a settlement amount in any
 16 context?
 17 MR. INGBER: I am going to object to
 18 the extent that mischaracterizes the nature
 19 of the assignment in this case.
 20 Go ahead and you can answer.
 21 A. Can you repeat that question one
 22 more time, please, Mr. Rollin.
 23 Q. Can you tell me whether you have any
 24 prior expert experience determining the
 25 reasonableness of a settlement amount in any

1 Lin
 2 about it, but I don't want you to reveal --
 3 I don't want you to breach any
 4 confidentiality agreements that you have
 5 with any other clients.
 6 THE WITNESS: Thank you.
 7 A. I do have confidentiality agreements
 8 with all those engagements, so I'm not sure how
 9 much I could discuss without consulting with my
 10 partners and the legal folks in my firm.
 11 Q. Well, can you tell me who engaged
 12 you?
 13 MR. INGBER: I think that's probably
 14 what's subject to the confidentiality
 15 agreement.
 16 THE WITNESS: That's right.
 17 Q. Can you tell me what the general
 18 nature of your retention was, like the field?
 19 A. Yeah, I mean, I'm not trying to not
 20 answer your question, but --
 21 Q. I understand.
 22 A. -- given the circumstances of my
 23 confidentiality agreement, the general field
 24 would be the residential mortgage business.
 25 Q. Is it related to the calculation of

1 Lin
 2 context?
 3 A. I am trying to remember. I have
 4 done valuation work, so it may be part of a
 5 settlement case.
 6 Q. What kind of valuation work have you
 7 done?
 8 A. Again, I am not trying to not answer
 9 your question, but I am trying to be vague as
 10 possible without violating my confidentiality
 11 agreement. Basically valuations relating to
 12 mortgage-backed securities.
 13 Q. In terms of trying to establish a
 14 price?
 15 A. Correct.
 16 Q. Okay. Why don't we talk about that
 17 more after you have had a chance to talk to
 18 your partners. Okay?
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

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6 MR. INGBER: Can we take a short
7 break and talk through what he can disclose
8 and can't disclose?
9 MR. ROLLIN: Yes.
10 THE VIDEOGRAPHER: The time is
11 10:54. We are going off the record.
12 (Recess was taken from 10:54 to
13 11:02.)
14 THE VIDEOGRAPHER: The time is
15 11:02. We are back on the record.
16 BY MR. ROLLIN:
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11 MR. ROLLIN: Okay. Mr. Ingber asked
12 for a break.

13 MR. INGBER: I think we should take
14 a lunch break now.

15 MR. ROLLIN: Okay.

16 MR. INGBER: It's almost 1:00.

17 THE VIDEOGRAPHER: The time is
18 12:57. We are going off the record.

19 (Lunch recess was taken from 12:57
20 to 1:45.)

21 THE VIDEOGRAPHER: The time is 1:45.

22 We are back on the record.

23 CONTINUED EXAMINATION BY
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█ [REDACTED]

5 MR. INGBER: You okay, Brian? You want a break?

6 THE WITNESS: Yes, I think now is a good time.

7 MR. INGBER: It's up to you.

8 THE WITNESS: Yes, let me take a break.

9 Is that okay with you?

10 MR. ROLLIN: That's fine.

11 MR. INGBER: Five minutes.

12 THE VIDEOGRAPHER: The time is 2:48. We are going off the record.

13 (Recess was taken from 2:48 to 3:00.)

14 THE VIDEOGRAPHER: The time is 3:00. We are back on the record.

█ [REDACTED]

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Lin

06:20:40 2

THE VIDEOGRAPHER: The time is 5:20.

06:20:42 3

We are back on the record.

06:20:46 4

MR. INGBER: Okay. We could come

06:20:47 5

back tomorrow. As I said earlier, I think

06:20:50 6

we were pretty efficient today. We tried

06:20:52 7

to cut down on breaks and lunch and the

06:20:54 8

like, and so it's our expectation that we

06:20:57 9

won't go a full day tomorrow, but because I

06:20:59 10

don't have jury duty tomorrow I can be here

06:21:01 11

with Mr. Lin, so we will be here at 9:00

06:21:03 12

tomorrow. Thanks.

06:21:08 13

THE VIDEOGRAPHER: The time is 5:21.

06:21:11 14

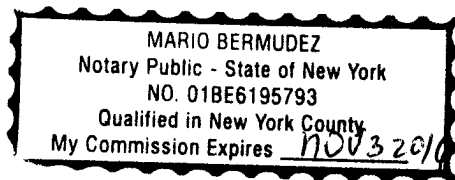
We are off the record.

06:21:12 15

(Time noted: 5:21 p.m.)

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Brian Lin

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BRIAN LIN

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Subscribed and sworn to before me

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this 14 day of Dec 2012.

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Mario Bermudez

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ERRATA SHEET FOR THE TRANSCRIPT OF:
Case Name: In the Matter of the Application
of The Bank of New York Mellon
Dep. Date: October 16, 2012
Deponent: Brian Lin

CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reason
4	12	for Bank	for The Bank	party name
4	19	for Bank	for The Bank	party name
12	11	continue	continued	incorrect transcrip tion
16	11	advocate	aggregate	incorrect transcript
130	21	possibility	possibly	incorrect transcript
176	16	like	looked at	incorrect transcrip tion
257	24	to sell	not to sell	Clarification
---	---	---	---	---
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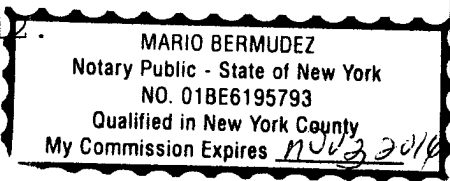
Brian Lin

Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS 14 DAY OF Dec, 2012.

Mario Bermudez



(Notary Public) MY COMMISSION EXPIRES: Nov 3 2016

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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) Index No.
Pooling and Servicing) 651786/2011
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.)
-----)

CONTINUED VIDEOTAPED DEPOSITION OF BRIAN LIN
New York, New York
October 17, 2012

Reported by:
KRISTIN KOCH, RPR, RMR, CRR, CLR
JOB NO. 53623

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October 17, 2012
9:04 a.m.

Continued Videotaped Deposition of
BRIAN LIN, held at the offices of Quinn
Emanuel Urquhart & Sullivan, LLP, 51
Madison Avenue, New York, New York, before
Kristin Koch, a Registered Professional
Reporter, Registered Merit Reporter,
Certified Realtime Reporter, Certified
Livenote Reporter and Notary Public of the
State of New York.

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APPEARANCES:

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- and -
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BY: MICHAEL T. KOTLARCZYK, ESQ.
JOHN M. McHUGH, ESQ.

KELLER ROHRBACK
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APPEARANCES: (Continued)

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CHRISTOPHER J. HOUP, ESQ.

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APPEARANCES: (Continued)

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BY: ALBERT J. MARTINEZ, ESQ.

TALCOTT FRANKLIN
Attorneys for Knights of Columbus
208 N. Market Street
Dallas, Texas 75202
BY: MARTHA EVANS, ESQ. (Via telephone)

ALSO PRESENT:

DALE SWINDELL, Legal Video Specialist

1 Lin
2 you want to make sure you complied with the
3 obligations that you signed?
4 A. Of course.
5 Q. Did you, therefore, have to know
6 what they were?
7 MR. INGBER: Objection to the extent
8 it mischaracterizes the witness' testimony.
9 MR. MADDEN: Mike, can we move on?
10 This is a total waste of time. He doesn't
11 remember what it says. It doesn't have
12 anything to do with what he said and you
13 are just spending countless time wasting
14 time asking questions about it. This
15 ridiculous.
16 MR. ROLLIN: You know what, Bob, I
17 don't appreciate you characterizing --
18 MR. MADDEN: Well, I don't
19 appreciate you wasting time.
20 MR. ROLLIN: Listen, you got into
21 this litigation, it takes time to go
22 through it and to take all the depositions.
23 That's just the way it is.
24 MR. MADDEN: Yes, when people waste
25 time asking irrelevant questions it takes a

1 Lin
2 right, if he has restrictions that affect
3 what he can say about a Bank of America
4 entity, right, or what he can do vis-à-vis
5 a Bank of America entity, as an expert in a
6 case involving quantification of damages
7 from Bank of America I think that's
8 relevant, particularly in the expert
9 context.
10 MR. MADDEN: Fine. You could have
11 done that with one question.
12 MR. ROLLIN: I have made my record.
13 A. I could --
14 MR. INGBER: Don't offer. Leave it.
15 Wait for a question. Don't offer anything.
16 If there is a question, then you can answer
17 it.
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 THE VIDEOGRAPHER: Counselor, I need
25 to go off the record for one second.
MR. ROLLIN: Sure.

1 Lin
2 lot longer than it should.
3 MR. ROLLIN: It's not wasteful.
4 Q. Do you have a non-disparagement
5 provision that you know of in your contract
6 with Merrill Lynch?
7 A. A non-what?
8 Q. Disparagement.
9 A. Like I said, I don't recall.
10 Q. Do you have a non-compete?
11 MR. INGBER: I think his testimony
12 is pretty clear, Mike, that he doesn't
13 recall the terms, so --
14 MR. ROLLIN: Just making sure.
15 MR. INGBER: This is getting to a
16 point where we are wasting some time.
17 Q. You don't remember?
18 A. I don't remember.
19 Q. Will you -- if you can find a copy,
20 will you produce it?
21 MR. INGBER: Don't offer to produce
22 it. I will take it under advisement, Mike.
23 Leave it at that.
24 MR. ROLLIN: Sure. And let me make
25 my record. Just so you both understand,

1 Lin
2 THE VIDEOGRAPHER: The time is 9:10.
3 We are going off the record.
4 (Recess was taken from 9:10 to
5 9:12.)
6 THE VIDEOGRAPHER: The time is 9:12.
7 We are back on the record.
8 BY MR. ROLLIN:
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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MR. INGBER: You don't need to answer beyond that. If she wants to ask a follow-up question, you can.

THE WITNESS: Sure.

MS. KASWAN: Please don't -- you know, you have complained when people stopped witnesses mid sentence, Mr. Ingber, so I'd ask you not to do that either.

MR. INGBER: You have complained all along that he is not answering your question. I wanted him to give you an answer to a question and then if you want to follow up, you can. Feel free.

MS. KASWAN: I am sure you told this witness how he is supposed to answer questions in his prep. Please don't do it during the record.

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Lin

[REDACTED]

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Lin

MR. INGBER: I am not going to comment on that, Beth.

MS. KASWAN: Could you read back the last question and the beginning of Mr. Lin's answer before he was interrupted. (Record read.)

Q. Could you continue your sentence, sir.

[REDACTED]

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06:51:05 2
06:51:12 3
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Lin

A. I don't -- that I don't recall.

MR. ROLLIN: Nothing further. Thank
you.

MR. INGBER: Bob, anything else?

THE VIDEOGRAPHER: The time is 5:40.

We are going off the record.

(Time noted: 5:40 p.m.)

Brian Lin

BRIAN LIN

Subscribed and sworn to before me

this 14 day of Dec 2012.

Mario Bermudez

MARIO BERMUDEZ
Notary Public - State of New York
NO. 01BE6195793
Qualified in New York County
My Commission Expires *NOV 3 2014*

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ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: In the Matter of the Application of The Bank of New York Mellon
Dep. Date: 10/17/2012
Deponent: Brian Lin cont

CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reason
350	14	Bank	The Bank	Party name
362	5	5	2005	Clarification
362	6	6	2006	Clarification
491	15	charge of	charge off	Incorrect transcription
491	17	charge of	charge off	Incorrect transcription
418	4	not to	that B&A made that calculation	Clarification
				did not
663	14	I would say	I say	Clarification

Brian Lin
Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME
THIS 14 DAY OF Dec, 2012.

[Signature]
(Notary Public) MY COMMISSION EXPIRES: NOV 3 2014

MARIO BERMUDEZ
Notary Public - State of New York
NO. 01BE6195793
Qualified in New York County
My Commission Expires NOV 2 2016