

At Commercial Division Part 39 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on the 9<sup>th</sup> day of May, 2013

PRESENT: **BARBARA R. KAPNICK**

HON. BARBARA R. KAPNICK, **J.S.C.**  
Justice

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), BlackRock Financial Management Inc. (intervenor), Kore Advisors, L.P. (intervenor), Maiden Lane, LLC (intervenor), Metropolitan Life Insurance Company (intervenor), Trust Company of the West and affiliated companies controlled by The TCW Group, Inc. (intervenor), Neuberger Berman Europe Limited (intervenor), Pacific Investment Management Company LLC (intervenor), Goldman Sachs Asset Management, L.P. (intervenor), Teachers Insurance and Annuity Association of America (intervenor), Invesco Advisors, Inc. (intervenor), Thrivent Financial for Lutherans (intervenor), Landesbank Baden-Wuerttemberg (intervenor), LBBW Asset Management (Ireland) plc, Dublin (intervenor), ING Bank fsb (intervenor), ING Capital LLC (intervenor), ING Investment Management LLC (intervenor), Nationwide Mutual Insurance Company and its affiliated companies (intervenor), AEGON USA Investment Management LLC, authorized signatory for Transamerica Life Insurance Company, AEGON Financial Assurance Ireland Limited, Transamerica Life International (Bermuda) Ltd., Monumental Life Insurance Company, Transamerica Advisors Life Insurance Company, AEGON Global Institutional Markets, plc, LIICA Re II, Inc., Pine Falls Re, Inc., Transamerica Financial Life Insurance Company, Stonebridge Life Insurance Company, and Western Reserve Life Assurance Co. of Ohio (intervenor), Federal Home Loan Bank of Atlanta (intervenor), Bayerische Landesbank (intervenor), Prudential Investment Management, Inc. (intervenor), and Western Asset Management Company (intervenor),

Petitioners,

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

Index No. 651786-2011

Kapnick, J.

**ORDER TO SHOW  
CAUSE TO STRIKE  
THE OBJECTORS'  
JURY DEMAND**

**ORAL ARGUMENT  
REQUESTED**

**MOTION SERIALIZED # 035**

UPON the accompanying Affirmations of Kenneth E. Warner, Esq. and Matthew D. Ingber, Esq., affirmed the 9<sup>th</sup> day of May, 2013, and the Memorandum of Law in Support of Order to Show Cause to Strike the Objectors' Jury Demand, and upon all of the pleadings and proceedings heretofore had herein,

LET the Objectors or their attorneys show cause before this Court at Commercial Division Part 39 thereof, to be held in Room 208, 60 Centre Street, New York, New York, on the 20<sup>th</sup> day of May 2013 at 10:00 a.m./p.m., or as soon thereafter as counsel may be heard, why an order should not be made and entered striking the Jury Demand filed by the Objectors on May 3, 2013 [ECF Doc. No. 703] and awarding such other and further relief as the Court may deem just and proper.

*Being all yes*  
SUFFICIENT REASON ~~APPEARING~~ THEREFOR, let service of a copy of this Order to Show Cause, together with the papers upon which it is based, upon counsel for the Objectors and upon all other counsel of record, by electronic service (e-filing) on or before the

*13<sup>th</sup>* ~~20<sup>th</sup>~~ day of May, 2013, be deemed good and sufficient service. *Additional if any are deemed necessary* ~~Any~~ answering papers shall be necessary filed and served upon all counsel of record (by e-filing) on or before May *10<sup>th</sup>*, 2013, ~~and any~~ ~~reply papers shall be filed and served upon all counsel of record (by e-filing) on or before May~~ ~~2013.~~ *In each of those instances,* properly bound and tabbed copies shall be delivered to the clerk in Part 39 or to Chambers. *by 4:00 p.m.*

ENTER,

~~ORDERED, that opposition papers, if any, shall be served on the all parties, no later than on or before~~



BARBARA R. KAPNICK  
J.S.C.

**ORAL ARGUMENT  
DIRECTED**  
BARBARA R. KAPNICK  
J.S.C.