

Exhibit 1

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-197	197	09/16/2010	SEC v. Mozilo, et. al., Decision		
R-250	250	10/24/2012	U.S. v. Bank of America Corp, Complaint-in-Intervention of the United States of America, Case. No. 12-Civ-1422 (JSR), USDC SDNY		
R-346		04/04/2012	Consent Judgment, U.S. v. Bank of America Corp., et. al., Case No. 12-cv-0361, D. D. C. (Exhibits A and I only)		
R-426	426	10/31/2008	Exhibit 4, Doc. No. 2504, Spreadsheet titled: Countrywide Transition, Legal Entity List	BACMBIA-C0000168643	
R-427		6/25/2008	Exhibit 12, Doc. No. 2711, Email from Steve Brown, to David Belk, Subject: Final speech and slides for Countrywide (attachments: cfc June board 062408.doc, 8036_BOD_Countrywide_fin_v3.ppt; Countrywide Backup.xls)	BACMBIA-B0000018282-330	
R-428		1/28/2008	Exhibit 18, Doc. No. 2716, Email from Mary Eyre, to Patty Van Tuyl, Subject: Re: 0125.2007 Exec Staff Meeting	BACMBIA-X0000018071-78	
R-429		4/7/2008	Exhibit 21, Doc. No. 2718, Calendar invitation from countrywide to to various, Subject: BAC/Countrywide 4/8 Steering Committee - Presentation Materials	BACMBIA-B0000009907-924	
R-430		7/2/2008	Exhibit 38, Doc. No. 2728, Purchase and Sale Agreement, between NB Holdings Corporation, and Countrywide homes loans, Inc.	BACMBIA-C0000161342-350	
R-431		4/8/2009	Exhibit 63, Doc. No. 2748, Email from David M. King, to Arturo Perez, cc: various, Subject: Re: CHL retaining some loans?	BACMBIA-O0000029482-490	
R-432		4/14/2009	Exhibit 64, Doc. No. 2749, Email from Ofcharsky to Pranger, Subject: RE: CHL Loans to Remain - Fire drill from last week - ?	BACMBIA-Z0000303303-304	
R-433		5/11/2012	Exhibit 75, Doc. No. 2757, Transcript of Deposition of Kevin Bartlett		
R-434		12/16/2010	Exhibit 112, Doc. No. 2769, Letter from Bank of America to Countrywide re 2/11/09 Agreed Final Judgment and Injunction against Countrywide and others	CWMBIA-G0000107681-680	
R-435		8/4/2011	Exhibit 164, Doc. No. 2807, Transcript of Deposition of Irene Briones Transcript		
R-436		1/15/2008	Exhibit 175, Doc. No. 2808, Email from Keith Davis to Lepley, Andersen, Brantley, McNairy, Mroz, and Lewis, Subject: RE: Countrywide Purchase - State Tax Losses	BACMBIA-C0000001729-734	
R-437		11/12/2008	Exhibit 182, Doc. No. 2810, Email from Susan Welsh to Michael Sands and Debbie Minton, Subject: FW: Brucker Meeting Follow Up Items	BACMBIA-X0000271172-179	
R-438		2/5/2008	Exhibit 183, Doc. No. 2811, Email from Sean Tobias to Brent Andersen, CC: Baalman, Lewis, Macan, Short, Subject: RE: Countrywide	BACMBIA-X0000102050-053	
R-439		9/9/2008	Exhibit 185, Doc. No. 2813, Email from Kurzban to Ahareef Abdou, CC: Simantel, Rusli, Jewett, Milligan, Subject: Re: MBIA Status	CWMBIA-B0000005401-02	

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-440		1/9/2008	Exhibit 186, Doc. No. 2814, Email from Randy Shearer to Neil Cotty, Subject: Project Red Oak Due Diligence	BACMBIA-X0000340164-167	
R-441		10/10/2008	Exhibit 207, Doc. No. 2826, Email from Kent Sorey to Brucker, Bartlett, CC: various others, Subject: Internal Audit- Pul Backs and Claims Denial Report and attachment: Putbacks report 10 10 08	BACMBIA-Q0000025398-403	
R-442		5/12/2009	Exhibit 210, Doc. No. 2827, Countrywide Transition End State Servicing Analysis, Execution Phase, End State Validation	BACMBIA-K0000002286-291	
R-443		10/31/2008	Exhibit 212, Doc. No. 2829, Countrywide Transition, Legal Entity List	BACMBIA-C0000118128-118128.0169	
R-444		12/9/2008	Exhibit 216, Doc. No. 2833, Charter Collapse Update, Project Groundhog, Countrywide Transition Finance	BACMBIA-C0000036785-789	
R-445		6/17/2008	Exhibit 251, Doc. No. 2866, Bank of America, Execution Kick-Off Script, participants: Jim Eckerle and Mary Kanaga	BACMBIA-C0000169260-265	
R-446		1/9/2009	Exhibit 308, Doc. No. 2912, Email from Edward Ofcharsky to Mary Kanaga, Subject: RE: Legal entities	BACMBIA-P0000094840-841	
R-447		9/15/2008	Exhibit 90, Doc. No. 2995, Draft Remarks for Barbara Desoer at the BAC Investor Conference - San Francisco, CA	BACMBIA-P0000015685-690	
R-448		6/22/2012	Exhibit 25, Doc. No. 3101, redacted Expert Report of Professor John C. Coates IV		
R-449		7/27/2012	Exhibit 28, Doc. No. 3103, redacted Expert Report of John C. Coffee, Jr.		
R-451		10/22/2008	Exhibit 84, Doc. No. 3109, redacted Bofa Corp. Audit Committee, 2008 Performance Checklist	BACMBIA-Y0000035239-253	
R-452		5/18/2012	Exhibit 56, Doc. No. 3118, Transcript of Deposition of Edward J. Ofcharsky		
R-453		5/3/2012	Exhibit 68, Doc. No. 3119, Transcript of Deposition of Gregory Willis Hobby		
R-454		08/09/2012	Exhibit 72, Doc. No. 3121, Transcript of Deposition of Drew Gissinger		
R-455			Exhibit 82, Doc. No. 3125, tables of separability analysis on Countrywide Financial Corp. and Countrywide Home Loans, Inc.	BACMBIA-I0000065612-13	
R-456		12/31/2010	Exhibit 85, Doc. No. 3127, redacted Countrywide Home Loans Selected Financial Information (Unaudited)	BACMBIA-L0000003629-636	
R-457		07/13/2012	Exhibit 180, Doc. No. 3144, BofA Corp.'s Second Supplemental Responses and Objections to Plaintiff's Interrogatories		
R-458		08/29/2012	Exhibit 288, Doc. No. 3149, Transcript of Deposition of Michael W. Schloessmann		
R-459		04/06/2012	Exhibit 322, Doc. No. 3158, Transcript of Deposition of James Eckerle		
R-460	460	05/02/2012	Exhibit 96, Doc. No. 3340, Transcript of Deposition of Brian T. Moynihan		

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R-483	483	9/25/2012	Rakoff Opinion - 2012 WL 4373327 (Assured Guar. Mun. Corp. v. Flagstar Bank FSB)		
R-524	524	12/20/2012	Summons and Notice, JP Morgan, et al. v. WMC		
R-568	568	09/06/2008	US SEC, Non-prosecution agreement		
R-571		10/24/2012	Complaint-in-Intervention of the United States of America		
R-611		1/9/2013	MBIA presentation on the Parties' Motions for Summary Judgment on Successor Liability Based on De Facto Merger (Motion Sequence Nos. 60-61), Doc. # 4209, Index No. 602825/2008		
R-612		1/9/2013	BAC's oral Argument on BAC's and MBIA's motions for Summary Judgment on Successor liability		
R-613		1/10/2013	MBIA presentation		
R-619		Dec-07	CFC Overview & outlook, Ex. 5 to Oblak Affirmation, Doc No. 2707, Index No. 602825/2008, filed 11/20/2012	BacMBIA-B0000000688-174	
R-620	620	6/25/2012	Email from Brown, to Belk, Subject: Final speech and slides for Countrywide, includes attachments, Ex. 12 to Oblak Affirmation, Doc No. 2711, Index No 602825/2008, filed 11/20/2012	BACMBIA-B0000018282-330	
R-621	621	6/11/2008	Email re BAC Strategic Announcement, Ex. 13 to Oblak Affirmation, Doc no 2712, index no 602825/2008, filed 11/20/2012	BACMBIA-H000000122-141	
R-622	622	6/24/2008	Email from Gordon to Descer, subject: Updated board presentation talking points, Ex. 16 to Oblak Affirmation Doc No 2714, Index no 602825/2008, filed 11/20/2012	BACMBIA-O0000002036-2042	
R-623		10/31/2008	Email attaching post purchase optimism, Ex. 17 to Oblak Affirmation Doc No 2715, Index no 602825/2008, filed 11/20/2012	BACMBIA-A0000133311-313	
R-624	624	1/28/2008	Email regarding 1/25/2007 staff meeting, Ex. 18 to Oblak Affirmation Doc No 2716, Index no 602825/2008, filed 11/20/2012	BACMBIA-X0000018071-78	
R-627	627	9/19/2008	Depo Transcript of Cynthia Simantel Vol. 1, MBIA v. Countrywide NY state supreme court, Ex. 47 Oblak	BACMBIA-W0000001964-1974	
R-628		11/25/2008	Email regarding Proforma [sic] Investment in Sub Sale from CFC to BAC, Ex. 50 to Oblak Affirmation Doc No 2738, Index no 602825/2008, filed 11/20/2012 (missing native doc)	BACMBIA-H00000007842-45	
R-629		11/7/2008	Demand Note in amount of \$3,464,227515	BACMBIA-C0000168502-07; BNYM_CW*497	Confidential
R-630	630	4/8/2009	Email from David King to Arturo Perez Subject: re: CHL retaining some loans?, Ex. 63 to Oblak Affirmation Doc No 2748, Index no 602825/2008, filed 11/20/2012	BACMBIA-O0000029482-90	

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R-631		4/14/2009	Email from Ofcharsky to pranger, Ex. 64 to Oblak Affirmation Doc No 2749, Index no 602825/2008, filed 11/20/2012	BACMBIA-X0000303303	
R-632		10/14/2008	Written Consent of the Sole Shareholder of Countrywide home loans, inc., Ex. 74 to Oblak Affirmation Doc No 2756, Index no 602825/2008, filed 11/20/2012	CWMBIA-G0000196811-	
R-633			Separability analysis, Ex. 82 to Oblak Affirmation Doc No 2756, Index no 602825/2008, filed 11/20/2012	BACMBIA-I0000065612	
R-634	634	12/31/2010	CHL selected financial info (unaudited) Ex. 85 to Oblak Affirmation Doc No , Index no 602825/2008, filed 11/20/2012 (fewer page numbers than Ex. 585)	BACMBIA-L0000003629-	
R-635	635	11/17/2008	Email from Trouner to Jones, Subject: FW: Revised Management team discussion document (includes attachment), Ex. 97 to Oblak Affirmation Doc No 2759, Index no 602825/2008, filed 11/20/2012	BACMBIA-R0000042401-13	
R-636		6/30/2008	J. Price Talking Points, Ex. 108 to Oblak Affirmation Doc No 2765, Index no 602825/2008, filed 11/20/2012	BACMBIA-X000121449	
R-637		1/20/2010	Email from hobby to desoer re BAC earnings Q&A on reps and warrants, Ex. 122 to Oblak Affirmation Doc No 2772, Index no 602825/2008, filed 11/20/2012	BACMBIA-G0000001274	
R-638	638	1/15/2008	Email from e. Lepley re countrywide purchase - state tax losse, Ex. 175 to Oblak Affirmation Doc No 2808, Index no 602825/2008, filed 11/20/2012	BACMBIA-C000001729-34	
R-639		12/28/2011	US v CFC, consent order, CV-11-10540, Ex. 178 Oblak	BACMBIA-Y0000000834-	
R-640		11/12/2008	Email re Brucker Meeting Follow up items, Ex. 182 Oblak	BacMBIA-X0000271172	
R-641	641	12/16/2008	Execution deliverable meeting agenda, Ex. 192 Oblak	BACMBIA-0000037105	
R-642	642	11/1/2008	Note Summary, Ex. 193 Oblak	BACMBIA-V0000028884	
R-643		10/14/2008	Countrywide Home loans, Inc., Action by Unanimous written consent of directors in Lieu of Meeting of Directors, Ex. 196 oblak (also produced at BNYM_cW-898-this version has more pages se ex. 644)	CWMBIA-G0000196813-	
R-645	645		Pre-Charter-Collapse Transfers Project Task List, Ex. 205 Oblak	BACMBIA-Y0000001039	
R-646	646	5/12/2009	Countrywide Transition, end State Servicing analysis, Execution Phase, end state validation, May 12th, 2009, Ex. 210 Oblak	BACMBAI-K0000002286-	
R-647		10/31/2008	Legal entity List, Ex. 212 Oblak	BACMBIA-C0000118128	

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-648	648	10/24/2008	CFC Government Lending IDs Transition presentation, Activities, Ex. 213 Oblak	BACMBIA-A0000130601	
R-649	649	12/9/2008	Charter Collapse Update, Project Groundhog, Countrywide Transition Finance, Ex. 216 Oblak	BACMBIA-C0000036785-	
R-660	660	01/09/2013	BAC's Oral Argument on BAC's and MBIA's motions for Summary Judgment on Successor liability, MBIA Insurance Corp. v. Countrywide Home Loans, Inc., Index No. 602825/2008		
R-661	661	6/26/2008	BAC/Countrywide Transition Tollgate 3 - integrated plan, Ex. 219 Oblak	BACMBIA-A0000068678	
R-662		2/23/2011	Depo Transcript of Cynthia Simantel Vol. 1, MBIA v. Countrywide NY state supreme court, Ex. 247 Oblak		
R-663		7/22/2008	Bank of America/Countrywide Transition Execution Kick-Offi, Ex. 249 Oblak	BACMBIA-A0000071724-	
R-664	664	6/23/2010	Minutes of meeting of board of directors of Bank of America corp, ex. 256 Oblak	BACMBIA-W0000002052-	
R-665		5/15/2008	BAC/Countrywide transition tollgate 2 - target environment, Ex. 287 Oblak	BACMBIA-A0000061344	
R-666		11/12/2008	Email re charter Collapse update, Ex. 296 Oblak	BACMBIA-C0000020953	
R-667		9/30/2010	Countrywide financial corp selected consolidated financial info (unaudited) Ex. 307 Oblak	CWMBIA0018539255-	
R-668		1/9/2009	Email regarding legal entities, Ex. 308 Oblak	BacMBIA-P0000094840	
R-669	669	3/24/2009	Email re Bank of America S4 ad filed 2-13, ex. 321 Oblak	BACMBIA-C0000003236-	
R-670		10/6/2008	Email re leadership package - AG agreement, Ex. 347 Oblak	BACMBIA-R0000039811-	
R-671		7/12/2012	Settlement Agreement BAC and CHL, Syncora, Ex. 349 Oblak	BACMBIA-X0000435954-	
R-672	672		Countrywide Charter Collapse overview, Ex. 361 Oblak	BACMBIA-Y000001036	
R-673		5/12/2011	Gissinger Depo trans, Ex. 4 Bea Aff, Doc # 2950		
R-674	674	5/29/2008	Email from Vincent Gangi to Execution Team LD 1, Subject: Public Policy document, attachment: Publicpolicy-Briefing_Document.DOC, Ex. 57 Bea aff	CHL-21-00016490-536; CWMBIA-F000093163-209	

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-675		5/21/2012	Email from Anson Gong to various, Subject: Finalize response back to HUD on their Nov. deadline for same AUS platform for LCWB and LBAC FHA loans; 888-816-1108; code 2134787646, attachment: BAC_Countrywide Transition Timeline_v3.ppt, Ex. 61 Bea Aff		
R-676	676	6/16/2008	Barbara Desoer - CRE/ISG Leadership Call - Monday, June 16, 2008, Ex. 89 bea aff		
R-677	677	9/15/2008	Draft Remarks for Barbara Desoer at the BAC Investor Conference - San Francisco, California, Ex. 90 bea aff	BACMBIA-P0000015685-	
R-678		2/24/2011	Bylaws of BAC, Ex. 32 bea aff		
R-679		6/30/2012	BAC brochure, Lending, investing and giving in New York, ex. 64 bea aff		
R-680		3/28/2012	BOA stockhold letter, ex. 112 bea aff		
R-681	681	5/18/2012	Ofcharsky depo transcript, Vol. 1, Ex 56 Oblak aff		
R-682		8/2/2012	Winn expert report, Ex. 27 Bea doc 4020		
R-683			BOA organizational charts, Legal Entity End state, Ex. 254 Oblak aff		
R-684	684	4/7/2008	Email from countrywide to Barbara Desoer, Brian Moynihan, and multiple others, Subject: BAC/Country 4/8 Steering Committee - Presentation Materials, Ex. 21 Oblak aff	BACMBIA-B0000009907-9924	
R-687			Motion to dismiss, Retirement Board of the Policeman's Annuity v. BNYM		
R-755		09/20/2012	Screenshot of Docket reflecting Butler Affidavit in support of Plaintiff's Motion for Summary Judgment (DKT 1975) filed Under Seal (MBIA v. Countrywide, Index No. 60825-2008)		
R-756		11/23/2012	Butler Affidavit in Support of Plaintiff's Motion for Summary Judgment on Breach of the Insurance Agreements (MBIA v. Countrywide, Index No. 602825-2008, DKT 3338)		
R-757		06/24/2011	Excerpt of Expert Report of Murray, (SW Boston Hotel ,et al., Case No. 10-14535, DKT 691)		
R-758		06/24/2011	Excerpt of Expert Report of Murray, (SW Boston Hotel ,et al., Case No. 10-14535, DKT 691) (pages 12-13)		
R-759		05/04/2011	Complaint (MASTR, by U.S. Bank) (DKT 1)		
R-760		11/27/2012	Complaint (Deutsche Alt-A Securities v. DB Structured Products, SDNY 12-cv-08594, DKT 1)		

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R-761		03/20/2013	Complaint (Ace Securities Corp. v. DB Structured Products, SDNY 13-cv-01869, DKT 1)		
R-762		01/09/2012	Complaint (Bear Stearns v. EMC Mortgage, Delaware Civil Action No. 6861-CS)		
R-763	763	12/20/2012	Complaint (J.P. Morgan v. WMC Mortgage, NY Index No. 654464-2012, DKT 1)		
R-795		07/03/2012	Godfrey Expert Report (MBI v. Countrywide, Index 602825-2008, Ex. 147 to Holland Aff. in support of Countrywide's MSJ) (redacted)		
R-800		03/11/2013	Schloessmann Affidavit in support of Countrywide's Opposition to Plaintiff's Motion for Summary Judgment (MBIA v. Countrywide, Index No. 60825-2008, DKT 4055)		
R-820	820		MBIA MSJ decision		
R-822		09/28/2012	Plaintiff's Memorandum of Law ISO Mot for Summary Judgment on Successor Liability Based on De Facto Merger and Assumption of Liabilities, MBIA v. Countrywide, doc no. 2074		
R-823		11/27/2012	Plaintiff's Reply Memo of Law ISO Motion for Summary Judgment on Successor Liability Based on De Facto Merger and Assumption Liabilities, MBIA v. Countrywide, doc no 3645		
R-830			MBIA's motion for partial summary judgment was denied in part and granted in part. 34 Misc. 3d 895, 936 N.Y.S.2d 513.		
R-831			Crotty opinion Syncora v. EMC		
R-832			First Department has upheld the portion of Justice Bransten's opinion rejecting Countrywide's loss causation theory		
R-934		09/21/2011	Hearing Transcript (Pauley, Retirement Board v. BNYM, SDNY, Case No. 11CIV5459)		
R-935		11/03/2011	Hearing Transcript (Pauley, Retirement Board v. BNYM, SDNY, Case No. 11CIV5459)		
R-1051		08/24/2010	MBIA Insurance Corporation v. Countrywide Home Loans, Ins. et al., Amended Complaint (Index No. 08/602825)		
R-1052		06/07/2010	FTC v. Countrywide, Complaint (CV104193)		
R-1053		11/26/2007	Ark. Teachers Ret. Sys. v. Mozilo, Complaint, No. 07-cv-06923 (C.D. Cal.)		

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R-1054			Argent Classic Conv. Arb. Fund L.P. v. Countrywide Fin. Corp., No. 07-cv-07097 (C.D. Cal.)		
R-1055		1/25/2008	N.Y.C. Emp. Ret. Sys. v. Countrywide Fin. Corp., Complaint, No. 08-cv-00492 (C.D. Cal.)		
R-1056		2/15/2008	In re Countrywide Fin. Corp. Deriv. Litig., Complaint, No. 07-cv-06923 (C.D. Cal.)		
R-1057		4/11/2008	In re Countrywide Fin. Corp. Sec. Litig., Complaint, No. 07-cv-05295 (C.D. Cal.)		
R-1065		12/3/2012	Expert Report of J.F. Morrow (ResCap)		
R-1067		12/27/2010	AllState Insurance Co. et al. v. Countrywide Financial Corp. et al. Complaint (http://graphics8.nytimes.com/packages/pdf/business/20110428-docs/allstate.pdf)		
R-1068		09/08/2011	Ambac Assurance Corp et al. v. Countrywide Home Loans, Inc., Countrywide Securities Corp., Countrywide Financial Corp. (n.k.a. Bank of America Home Loans), and Bank of America Corp., Index No. 651612/2010 Complaint (http://www.ambac.com/pdfs/DocumentDisplayServlet.pdf)		
R-1069		3/24/2010	Commonwealth of Massachusetts v. Countrywide Financial Corp. et al complaint (http://www.mass.gov/ago/docs/press/2010/2010-03-24-countrywide-agreement-attachement-3.pdf)		
R-1073		5/23/2012	Deposition of Joe Price in MBIA Ins. Corp. v. Countrywide Home Loans, Inc., Index No. 602825/2008 (May 23, 2012)		
R-1123			Pleadings, orders, exhibits, and other papers filed in Assured Guaranty Corp. v. EMC Mortgage Corp.10-5367 SDNY		
R-1123A		7/14/2010	Assured Guaranty Corp. v. EMC Mortgage Corp.10-5367 SDNY Complaint		
R-1123B		11/18/2010	Assured Guaranty Corp. v. EMC Mortgage Corp.10-5367 SDNY Amended Complaint		
R-1124			Pleadings, orders, exhibits, and other papers filed in Assured Guaranty Corp. v. DB Structured Products, Inc., et al. 651824/2010 NY St. Sup. Ct.		
R-1124A			Assured Guaranty Corp. v. DB Structured Products, Inc., et al. 651824/2010 NY St. Sup. Ct. Summons		
R-1124B			Assured Guaranty Corp. v. DB Structured Products, Inc., et al. 651824/2010 NY St. Sup. Ct. Complaint		
R-1125			Pleadings, orders, exhibits, and other papers filed in Financial Guaranty Insurance Co v. IndyMac Bank, F.S.B. 08-cv-6010 SDNY		

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R-1125A		7/1/2008	Financial Guaranty Insurance Co v. IndyMac Bank, F.S.B. 08-cv-6010 SDNY - Complaint		
R-1126			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. Morgan Stanley, et al. NY Supreme Ct- Westchester County 29951-2010		
R-1126A		2/2/2011	MBIA Insurance Corp. v. Morgan Stanley, et al. NY Supreme Ct- Westchester County 29951-2010 Summons and Complaint		
R-1127			Pleadings, orders, exhibits, and other papers filed in PMI Mortgage Insurance Co. v. IndyMac Federal Bank, F.S.B. cv-09-3867 Cent. Dis. Cal.		
R-1127A			PMI Mortgage Insurance Co. v. IndyMac Federal Bank, F.S.B. cv-09-3867 Cent. Dis. Cal. Complaint		
R-1128			Pleadings, orders, exhibits, and other papers filed in Radian Insurance Inc. v. Deutsche Bank National Trust Co. Inc., et al.		
R-1128A		6/23/2009	Radian Insurance Inc. v. Deutsche Bank National Trust Co. Inc., et al. No. 08-cv-2993 ED Penn. First Amended Complaint		
R-1129			Pleadings, orders, exhibits, and other papers filed in Syncora Guarantee, Inc. v. FDIC as conservator and receiver for IndyMac Federal Bank F.S.B. 09-01016 DDC		
R-1129A		5/29/2009	Syncora Guarantee, Inc. v. FDIC as conservator and receiver for IndyMac Federal Bank F.S.B. 09-01016 DDC Complaint		
R-1130			Pleadings, orders, exhibits, and other papers filed in Bank of the West v. UBS AG, et al. Cal sup. Ct. CGC-09-489590		
R-1131			Pleadings, orders, exhibits, and other papers filed in Bear Stearns Mortgage Funding Trust 2007-AR2, by Wells Fargo, N.A., as Trustee v. EMC Mortgage Corp.		
R-1131A		1/18/2011	Bear Stearns Mortgage Funding Trust 2007-AR2, by Wells Fargo, N.A., as Trustee v. EMC Mortgage Corp. Verified complaint		
R-1132			Pleadings, orders, exhibits, and other papers filed in Ambac Assurance Corp. v. EMC Mortgage Corp. 08-Civ-9464		
R-1132A		11/5/2008	Ambac Assurance Corp. v. EMC Mortgage Corp. 08-Civ-9464 Complaint		
R-1133			Pleadings, orders, exhibits, and other papers filed in PMI Mortgage Insurance Co. v. WMC Mortgage Corp., et al. LA county Superior ct. BC381972		
R-1134			Pleadings, orders, exhibits, and other papers filed in Lone Star Fund V (U.S.), LP, et al. v. Barclays Bank PLC, et al. 08-cv-261-1 USDC N.D. Tex.		

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R-1134A			Lone Star Fund V (U.S.), LP, et al. v. Barclays Bank PLC, et al. 08-cv-261-1 USDC N.D. Tex. Notice of Removal and Original petition (no. 08-00398 Dist. Ct. Dallas County Tex.)		
R-1135			Pleadings, orders, exhibits, and other papers filed in Republic Bank & Trust co. v. Bear, Stearns & Co., Inc., et al. 09-cv-287 WD Ken		
R-1135A			Republic Bank & Trust co. v. Bear, Stearns & Co., Inc., et al. 09-cv-287 WD Ken Notice of Removal and original Complaint (09-02885 Jefferson Cir. Ct.)		
R-1136			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. Merrill Lynch, Pierce, Fenner and Smith, Inc., et al. NY Supreme Ct- NY County 09-601324		
R-1136A			MBIA Insurance Corp. v. Merrill Lynch, Pierce, Fenner and Smith, Inc., et al. NY Supreme Ct- NY County 09-601324 summons and complaint		
R-1137			Pleadings, orders, exhibits, and other papers filed in Ambac Assurance Corp. v. DLJ Mortgage Capital, Inc., et al. 600070		
R-1137A		2/8/2010	Ambac Assurance Corp. v. DLJ Mortgage Capital, Inc., et al. No. 600070, Summons and Complaint		
R-1137B		5/14/2010	Ambac Assurance Corp. v. DLJ Mortgage Capital, Inc., et al. No. 600070, Amended Complaint		
R-1138			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. Credit Suisse Sec. (USA) LLC, et al. 603751-2009 NY St. Sup. Ct.		
R-1138A		2/11/2010	MBIA Insurance Corp. v. Credit Suisse Sec. (USA) LLC, et al. 603751-2009 NY St. Sup. Ct. No. Summons and complaint		
R-1139			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. FDIC as conservator and receiver for IndyMac Federal Bank F.S.B.		
R-1140			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. GMAC Mortgage, LLC NY Supreme Ct- NY County 600837-2010		
R-1140A			MBIA Insurance Corp. v. GMAC Mortgage, LLC NY Supreme Ct- NY County 600837-2010 Summons and Complaint		
R-1141			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. IndyMac ABS, Inc., et al. CA Superior Court- LA County BC422358		
R-1142			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. Merrill Lynch, Pierce, Fenner and Smith Inc. and Merrill Lynch Int'l NY Supreme Ct- NY County 09-601324		
R-1143			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. Residential Funding Co., LLC NY Supreme Ct- NY County 603552-2008		

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R-1143A		3/19/2010	MBIA Insurance Corp. v. Residential Funding Co., LLC NY Supreme Ct- NY County 603552-2008 First Amended complaint		
R-1144			Pleadings, orders, exhibits, and other papers filed in Syncora Guarantee, Inc. v. EMC Mortgage Corp. 09-03106 SDNY		
R-1144A		3/31/2009	Syncora Guarantee, Inc. v. EMC Mortgage Corp. 09-03106 SDNY complaint		
R-1145			Pleadings, orders, exhibits, and other papers filed in Syncora Guarantee, Inc. v. EMC Mortgage Corp. 10-00749 SDNY		
R-1145A		2/1/2010	Syncora Guarantee, Inc. v. EMC Mortgage Corp. 10-00749 SDNY Complaint		
R-1146			Pleadings, orders, exhibits, and other papers filed in Syncora Guarantee, Inc. v. FDIC as conservator and receiver for IndyMac Federal Bank F.S.B. 09-01016 DDC		
R-1147			Pleadings, orders, exhibits, and other papers filed in Syncora Guarantee, Inc. v. IndyMac Bank F.S.B. S.D.N.Y. 08-05842		
R-1147A			Syncora Guarantee, Inc. v. IndyMac Bank F.S.B. S.D.N.Y. 08-05842 Complaint		
R-1148			Pleadings, orders, exhibits, and other papers filed in Ambac Assurance Corp. v. EMC Mortgage Corp. 650421/2011		
R-1148A		7/18/2011	Ambac Assurance Corp. v. EMC Mortgage Corp. 650421/2011 first amended complaint		
R-1149			Pleadings, orders, exhibits, and other papers filed in Assured Guaranty Municipal Corp. v. DB Structured Products, Inc., et al. 650705/2010		
R-1149A		6/23/2010	Assured Guaranty Municipal Corp. v. DB Structured Products, Inc., et al. 650705/2010 Summons and complaint		
R-1150			Pleadings, orders, exhibits, and other papers filed in Assured Guaranty Municipal Corp. v. Flagstar Bank, FSB, et al. 11-cv-2375 SDNY		
R-1150A		2/6/2013	Assured Guaranty Municipal Corp. v. Flagstar Bank, FSB, et al. 11-cv-2375 SDNY Findings of Fact and Conclusions of Law, and order		
R-1150B		9/25/2012	Assured Guaranty Municipal Corp. v. Flagstar Bank, FSB, et al. 11-cv-2375 SDNY Memorandum (892 f supp 596 (2012))		
R-1150C		8/19/2011	Assured Guaranty Municipal Corp. v. Flagstar Bank, FSB, et al. 11-cv-2375 SDNY First amended complaint		
R-1151			Pleadings, orders, exhibits, and other papers filed in Deutsche Bank National Trust Co. v. FDIC as receiver for IndyMac Bank, et al. 09-3852		

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R-1151A		5/29/2009	Deutsche Bank National Trust Co. v. FDIC as receiver for IndyMac Bank, et al. 09-3852 Complaint		
R-1152			Pleadings, orders, exhibits, and other papers filed in TIAA v. Deutsche Bank AG, et al. Case no. 11-cv-5141 SDNY		
R-1152A		2/4/2013	TIAA v. Deutsche Bank AG, et al. Case no. 11-cv-5141 SDNY Amended Complaint		
R-1153			Pleadings, orders, exhibits, and other papers filed in Oklahoma Police Pension Retirement System v. U.S. Bank, NA SDNY 11-cv-8066		
R-1153A		3/30/2012	Oklahoma Police Pension Retirement System v. U.S. Bank, NA SDNY 11-cv-8066 Corrected Second Amended Class Action Complaint		
R-1154			Pleadings, orders, exhibits, and other papers filed in MASTR Asset Backed Securities Trust 2006- HE3, by U.S. BANK NATIONAL ASSOCIATION v. WMC Mortgage Corp. et al. No. 11-cv-2542		
R-1154A			MASTR Asset Backed Securities Trust 2006- HE3, by U.S. BANK NATIONAL ASSOCIATION v. WMC Mortgage Corp. et al. No. 11-cv-2542 complaint and Jury demand		
R-1155			Pleadings, orders, exhibits, and other papers filed in The Charles Schwab Corp. v. J.P. Morgan Securities, et al. (II) Cal. Sup. Ct. CGC-10-503207		
R-115A		8/2/2010	The Charles Schwab Corp. v. J.P. Morgan Securities, et al. (II) Cal. Sup. Ct. CGC-10-503207 Amended Complaint for rescission and Damages		
R-1156			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. IndyMac Bank, F.S.B., et al. D. D.C. 09-01011		
R-1156A		5/29/2009	MBIA Insurance Corp. v. IndyMac Bank, F.S.B., et al. D. D.C. 09-01011 COMPLAINT		
R-1157			Pleadings, orders, exhibits, and other papers filed in United States of America v. Deutsche Bank AG, et al. Case No 11-civ-2976 SDNY		
R-1157A		8/22/2011	United States of America v. Deutsche Bank AG, et al. Case No 11-civ-2976 SDNY Amended complaint		
R-1158			Pleadings, orders, exhibits, and other papers filed in Mass. Mutual Life Insurance Co. v. Impac Funding Corp., et al. No. 11-cv-30127 USDC Mass.		
R-1158A		5/6/2011	Mass. Mutual Life Insurance Co. v. Impac Funding Corp., et al. No. 11-cv-30127 USDC Mass. Complaint		
R-1159			Pleadings, orders, exhibits, and other papers filed in King County, et al. v. IKB Deutsche Industribank AG, et al. 09-cv-8387 SDNY		

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-1159A		6/10/2010	King County, et al. v. IKB Deutsche Industriebank AG, et al. King County, et al. v. IKB Deutsche Industriebank AG, et al. 09-cv-8387 SDNY First Amended consolidated complaint for violations of new york state law		
R-1160			Pleadings, orders, exhibits, and other papers filed in Dexia SA/NV, et al. v. Merrill Lynch & Co., et al. 12-cv-4032		
R-1160A		5/22/2012	Dexia SA/NV, et al. v. Merrill Lynch & Co., et al. 12-cv-4032 Notice of Removal and original complaint (651000/2012 NY St. Sup. Ct.)		
R-1161			Pleadings, orders, exhibits, and other papers filed in DB Structured Products, Inc. v. GreenPoint Mortgage Funding, Inc. N.Y. Sup. Ct. 590783-2010		
R-1162			Pleadings, orders, exhibits, and other papers filed in Deutsche Bank National Trust Co., Solely as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-WMC2 v. WMC Mortgage LLC, et al. 12/cv-933 (USDC Conn.)		
R-1162A		6/25/2012	Deutsche Bank National Trust Co., Solely as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-WMC2 v. WMC Mortgage LLC, et al. 12/cv-933 (USDC Conn.) Complaint		
R-1163			Pleadings, orders, exhibits, and other papers filed in Clark v. Lender Processing Services, Inc. 12-cv-2187 ND Ohio eastern div		
R-1163A		8/27/2012	Clark v. Lender Processing Services, Inc. 12-cv-2187 ND Ohio eastern div Notice of Removal		
R-1164			Pleadings, orders, exhibits, and other papers filed in Bayerische Landesbank v. Bear Stearns & Co., Inc., et al. S.D.N.Y. 653239-2011		
R-1164A		3/20/2012	Bayerische Landesbank v. Bear Stearns & Co., Inc., et al. S.D.N.Y. 653239-2011 Amended complaint		
R-1165			Pleadings, orders, exhibits, and other papers filed in Bayerische Landesbank v. Morgan Stanley, et al. 653239/2011		
R-1165A		3/20/2012	Bayerische Landesbank v. Morgan Stanley, et al. 653239/2011 Amended Complaint		
R-1166			Pleadings, orders, exhibits, and other papers filed in Bayerische Landesbank v. Merrill Lynch & Co. et al. 651480-2012		
R-1166A		5/2/2012	Bayerische Landesbank v. Merrill Lynch & Co. et al. 651480-2012 complaint		
R-1167			Pleadings, orders, exhibits, and other papers filed in FHFA as Conservator of the Federal Home Loan Mortgage Corp, on behalf of the Trustee of the Morgan Stanley ABS Capital I Inc. Trust, Series 2006-HE6 v. HSBC Finance Corp., et al. 653373/2012		

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-1167A		10/19/2012	FHFA as Conservator of the Federal Home Loan Mortgage Corp, on behalf of the Trustee of the Morgan Stanley ABS Capital I Inc. Trust, Series 2006-HE6 v. HSBC Finance Corp., et al. 653373/2012 Notice of Removal and Original summons and Notice		
R-1168			Pleadings, orders, exhibits, and other papers filed in Deutsche Bank National Trust Co. v. FDIC as receiver for Washington Mutual Bank, et al. 09-cv-1656		
R-1168A		9/8/2010	Deutsche Bank National Trust Co. v. FDIC as receiver for Washington Mutual Bank, et al. 09-cv-1656 Amended Complaint		
R-1169			Pleadings, orders, exhibits, and other papers filed in Mass. Mutual Life Insurance Co. v. Credit Suisse First Boston Mortgage Securities, Inc., et al. 11-cv-30048 USDC Mass.		
R-1169A		2/25/2011	Mass. Mutual Life Insurance Co. v. Credit Suisse First Boston Mortgage Securities, Inc., et al. 11-cv-30048 USDC Mass. No. 11-cv-30048		
R-1170			Pleadings, orders, exhibits, and other papers filed in Mass. Mutual Life Insurance Co. v. DB Structured Products, Inc., et al. 11-cv-30039 USDC Mass.		
R-1170A		2/29/2011	Mass. Mutual Life Insurance Co. v. DB Structured Products, Inc., et al. 11-cv-30039 USDC Mass. First Amended Complaint		
R-1171			Pleadings, orders, exhibits, and other papers filed in Cambridge Place Investment Management v. Morgan Stanley & Co, Inc., et al. (II) Commonwealth of Mass. 11-00555 (D.Mass 11-cv-10992)		
R-1171A		6/3/2011	Cambridge Place Investment Management v. Morgan Stanley & Co, Inc., et al. (II) Commonwealth of Mass. 11-00555 (D.Mass 11-cv-10992) Notice of Removal		
R-1171B		2/11/2011	Cambridge Place Investment Management v. Morgan Stanley & Co, Inc., et al. (II) Commonwealth of Mass. 11-00555 (D.Mass 11-cv-10992) Original Complaint (11-0555 commonwealth of Mass)		
R-1172			Pleadings, orders, exhibits, and other papers filed in Mass. Mutual Life Insurance Co. v. Residential Funding Co., LLC, et al. 11-cv-30035 USDC Mass.		
R-1172A		2/9/2011	Mass. Mutual Life Insurance Co. v. Residential Funding Co., LLC, et al. 11-cv-30035 USDC Mass. Complaint		
R-1173			Pleadings, orders, exhibits, and other papers filed in Mass. Mutual Life Insurance Co. v. RBS Financial Products, Inc., et al. 11-cv-30044		

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R-1173A		2/24/2011	Mass. Mutual Life Insurance Co. v. RBS Financial Products, Inc., et al. 11-cv-30044 Complaint		
R-1174			Pleadings, orders, exhibits, and other papers filed in Mass. Mutual Life Insurance Co. v. DLJ Mortgage Capital, Inc., et al. 11-cv-30047		
R-1174A		2/25/2011	Mass. Mutual Life Insurance Co. v. DLJ Mortgage Capital, Inc., et al. 11-cv-30047 Complaint		
R-1175			Pleadings, orders, exhibits, and other papers filed in Mass. Mutual Life Insurance Co. v. JPMorgan Chase Bank, N.A., et al. 11-cv-30094		
R-1175A		4/8/2011	Mass. Mutual Life Insurance Co. v. JPMorgan Chase Bank, N.A., et al. 11-cv-30094 complaint		
R-1176			Pleadings, orders, exhibits, and other papers filed in Mass. Mutual Life Insurance Co. v. Goldman Sachs Mortgage Co., et al. 11-cv-30126		
R-1176A		5/5/2011	Mass. Mutual Life Insurance Co. v. Goldman Sachs Mortgage Co., et al. 11-cv-30126 Complaint		
R-1177			Pleadings, orders, exhibits, and other papers filed in Mass. Mutual Life Insurance Co. v. HSBC Bank USA, N.A., et al. 11-cv-30141		
R-1177A		5/5/2011	Mass. Mutual Life Insurance Co. v. HSBC Bank USA, N.A., et al. 11-cv-30141 Complaint		
R-1178			Pleadings, orders, exhibits, and other papers filed in Syncora Guarantee, Inc. v. J.P. Morgan Securities, LLC N.Y. Sup. Ct. 651566-2011		
R-1178A		6/24/2011	Syncora Guarantee, Inc. v. J.P. Morgan Securities, LLC N.Y. Sup. Ct. 651566-2011 First Amended Complaint		
R-1179			Pleadings, orders, exhibits, and other papers filed in CIFG Assurance North America, Inc. v. Goldman, Sachs & Co., et al. 652286/2011		
R-1179A		8/16/2011	CIFG Assurance North America, Inc. v. Goldman, Sachs & Co., et al. 652286/2011 Complaint		
R-1180			Pleadings, orders, exhibits, and other papers filed in Assured Guaranty Municipal Corp. v. DLJ Mortgage Capital Inc., et al. 652837/2011		
R-1180A		10/17/2011	Assured Guaranty Municipal Corp. v. DLJ Mortgage Capital Inc., et al. 652837/2011 Complaint		
R-1181			Pleadings, orders, exhibits, and other papers filed in Financial Guaranty Insurance Co. v. Residential Funding Company LLC, et al.(I) S.D.N.Y. 11-09736		
R-1181A		12/30/2011	Financial Guaranty Insurance Co. v. Residential Funding Company LLC, et al.(I) S.D.N.Y. 11-09736 Notice of removal and Original Summons and Complaint (653303/2011)		

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-1182			Pleadings, orders, exhibits, and other papers filed in Financial Guaranty Insurance Co. v. Residential Funding Company LLC, et al.(II) S.D.N.Y. 11-09736		
R-1183			Pleadings, orders, exhibits, and other papers filed in Financial Guaranty Insurance Co. v. GMAC Mortgage, LLC, et al. 11-cv-9729		
R-1183A		3/30/2012	Financial Guaranty Insurance Co. v. GMAC Mortgage, LLC, et al. 11-cv-9729 Amended Complaint		
R-1184			Pleadings, orders, exhibits, and other papers filed in Financial Guaranty Insurance Co. v. Ally Financial Inc., et al. 12-1601		
R-1184A		3/5/2012	Financial Guaranty Insurance Co. v. Ally Financial Inc., et al. 12-1601 Complaint		
R-1185			Pleadings, orders, exhibits, and other papers filed in Allstate Insurance Co., et al. v. ACE Securities Corp., et al. 650431/2011		
R-1185A		9/23/2011	Allstate Insurance Co., et al. v. ACE Securities Corp., et al. 650431/2011 Amended complaint		
R-1186			Pleadings, orders, exhibits, and other papers filed in Allstate Insurance Co., et al. v. Credit Suisse Securities (USA), LLC, et al. 650547/2011		
R-1186A		11/16/2011	Allstate Insurance Co., et al. v. Credit Suisse Securities (USA), LLC, et al. 650547/2011 Amended Complaint		
R-1187			Pleadings, orders, exhibits, and other papers filed in Allstate Insurance Co., et al. v. Morgan Stanley, et al. 651840/2011		
R-1187A		9/9/2011	Allstate Insurance Co., et al. v. Morgan Stanley, et al. 651840/2011 amended complaint		
R-1188			Pleadings, orders, exhibits, and other papers filed in Allstate Insurance Co., et al. v. Goldman, Sachs & Co., et al. 652273/2011		
R-1188A		8/15/2011	Allstate Insurance Co., et al. v. Goldman, Sachs & Co., et al. 652273/2011 Summons and complaint		
R-1189			Pleadings, orders, exhibits, and other papers filed in Syncora Guarantee Inc. v. EMC Mortgage LLC et al. N.Y. Sup. Ct. 650420-2012		
R-1189A		2/14/2012	Syncora Guarantee Inc. v. EMC Mortgage LLC et al. N.Y. Sup. Ct. 650420-2012 Summons and complaint		
R-1190			Pleadings, orders, exhibits, and other papers filed in Financial Guaranty Insurance Co. v. Ally Financial Inc., et al. 12-1818		
R-1190A		3/12/2012	Financial Guaranty Insurance Co. v. Ally Financial Inc., et al. 12-1818 Complaint		

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R-1191			Pleadings, orders, exhibits, and other papers filed in HSH Nordbank AG et al. v. Barclays Bank PLC et al. 652678/2011		
R-1191A		4/2/2012	HSH Nordbank AG et al. v. Barclays Bank PLC et al. 652678/2011 Consolidated Complaint		
R-1192			Pleadings, orders, exhibits, and other papers filed in Financial Guaranty Insurance Co. v. Ally Financial Inc., et al. 12-CIV-0780		
R-1192A			Financial Guaranty Insurance Co. v. Ally Financial Inc., et al. 12-CIV-0780 Complaint		
R-1193			Pleadings, orders, exhibits, and other papers filed in Assured Guaranty Corp. v. EMC Mortgage LLC, et al. Index No. 650805/2012 NY St. Sup. Ct.		
R-1193A		3/15/2012	Assured Guaranty Corp. v. EMC Mortgage LLC, et al. Index No. 650805/2012 NY St. Sup. Ct Complaint		
R-1194			Pleadings, orders, exhibits, and other papers filed in Ambac Assurance Corp. v. EMC Mortgage LLC et al. N.Y. Sup. Ct. 650805-2012		
R-1195			Pleadings, orders, exhibits, and other papers filed in Dexia SA/NV, et al. v. Deutsche Bank AG, et al. 11-civ-5672		
R-1195A		8/15/2011	Dexia SA/NV, et al. v. Deutsche Bank AG, et al. 11-civ-5672 Notice of Removal		
R-1196			Pleadings, orders, exhibits, and other papers filed in Syncora Guarantee, Inc. v. Countrywide Home Loans, Inc., et al. NY Supreme Ct- NY County 650042-2009		
R-1197			Pleadings, orders, exhibits, and other papers filed in United Guaranty Mortgage Indemnity Co. v. Countrywide Financial Corp., et al.		
R-1198			Pleadings, orders, exhibits, and other papers filed in Thrivent Financial For Lutherans, et al. v. Countrywide Financial Corp, et al. 27-cv-11-5830		
R-1198A		4/17/2011	Thrivent Financial For Lutherans, et al. v. Countrywide Financial Corp, et al. 27-cv-11-5830		
R-1199			Pleadings, orders, exhibits, and other papers filed in Sealink Funding Ltd v. Countrywide Financial Corp., et al. 652679/2011 NY Sup Ct.		
R-1199A		9/29/2011	Sealink Funding Ltd v. Countrywide Financial Corp., et al. 652679/2011 NY Sup Ct. Summons and complaint		
R-1200			Pleadings, orders, exhibits, and other papers filed in Bayerische Landesbank v. Countrywide Financial Corp., et al.		
R-1201			Pleadings, orders, exhibits, and other papers filed in Ambac Assurance Corp. v. Countrywide Home Loans, et al. 651013/2012		

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R-1201A		8/14/2012	Ambac Assurance Corp. v. Countrywide Home Loans, et al. 651013/2012 First amended complaint		
R-1202			Pleadings, orders, exhibits, and other papers filed in Financial Guaranty Insurance Co v. Countrywide Home Loans, Inc., et al. 650736/2009 NY St. Sup. Ct.		
R-1202A		4/30/2012	Financial Guaranty Insurance Co v. Countrywide Home Loans, Inc., et al. 650736/2009 NY St. Sup. Ct. First amended complaint		
R-1203			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. Countrywide Home Loans, Inc., et al.		
R-1204			Pleadings, orders, exhibits, and other papers filed in USA ex rel. Kyle Laglow v. Countrywide Financial Corp., et al. E.D.N.Y. 09-02040		
R-1204A		5/13/2009	USA ex rel. Kyle Laglow v. Countrywide Financial Corp., et al. E.D.N.Y. 09-02040 Complaint and jury demand		
R-1205			Pleadings, orders, exhibits, and other papers filed in Walnut Place, LLC, et al. v. Countrywide Home Loans, Inc., et al. 650497/2011 NY St. Sup. Ct.		
R-1205A		4/12/2011	Walnut Place, LLC, et al. v. Countrywide Home Loans, Inc., et al. 650497/2011 NY St. Sup. Ct. 650497/2011		
R-1206			Pleadings, orders, exhibits, and other papers filed in Bank Hapoalim BM v. Bank of America Corp. 12-cv-4316		
R-1206A		8/24/2012	Bank Hapoalim BM v. Bank of America Corp. 12-cv-4316 Amended Complaint		
R-1207			Pleadings, orders, exhibits, and other papers filed in Mass. Mutual Life Insurance Co. v. Countrywide Financial Corp., et al. No. 11-cv-30215		
R-1207A		11/30/2011	Mass. Mutual Life Insurance Co. v. Countrywide Financial Corp., et al. No. 11-cv-30215 First amended complaint		
R-1208			Pleadings, orders, exhibits, and other papers filed in US Bank N.A. v. Countrywide Home Loans, et al. 11-cv-6223 (652388)		
R-1208A		8/29/2011	US Bank N.A. v. Countrywide Home Loans, et al. 11-cv-6223 (652388) Ex. D Re-underwriting report		
R-1209			Pleadings, orders, exhibits, and other papers filed in Commonwealth of Massachusetts v. Bank of America, N.A., et al. No. 11-4363		
R-1209A		12/1/2011	Commonwealth of Massachusetts v. Bank of America, N.A., et al. No. 11-4363 Complaint		
R-1210			Pleadings, orders, exhibits, and other papers filed in MBIA Ins. Corp. v. Countrywide Home Loans, Inc. et al., Index No. 08/602825		

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R-1210A		8/24/2009	MBIA Ins. Corp. v. Countrywide Home Loans, Inc. et al., Index No. 08/602825 Amended Complaint		
R-1211			Pleadings, orders, exhibits, and other papers filed in MBIA Insurance Corp. v. Countrywide Home Loans (N.Y. Sup. Ct.) 602825/2008		
R-1212			Pleadings, orders, exhibits, and other papers filed in Ambac Assurance Corp. v. Countrywide Home Loans (N.Y. Sup. Ct.) 651612/2010		
R-1212A		5/6/2010	Ambac Assurance Corp. v. Countrywide Home Loans (N.Y. Sup. Ct.) 651612/2010 Amended Complaint		
R-1213			Pleadings, orders, exhibits, and other papers filed in Financial Guaranty Ins. Co. v. Countrywide Home Loans (N.Y. Sup. Ct.) 650736/2009		
R-1214			Pleadings, orders, exhibits, and other papers filed in Syncora Guarantee Inc. v. Countrywide Home Loans (N.Y. Sup. Ct.) 650042/2009		
R-1214A		5/6/2010	Syncora Guarantee Inc. v. Countrywide Home Loans (N.Y. Sup. Ct.) 650042/2009 Amended complaint		
R-1215			Pleadings, orders, exhibits, and other papers filed in Assured Guaranty Municipal Corp. v. Flagstar Bank (S.D.N.Y.) Case No. 11-2375 JSR		
R-1216			Pleadings, orders, exhibits, and other papers filed in Syncora Guarantee Inc. v. EMC Mortgage Corp. (S.D.N.Y.) Case No. 09-3106 PAC		
R-1216A		3/31/2009	Syncora Guarantee Inc. v. EMC Mortgage Corp. (S.D.N.Y.) Case No. 09-3106 PAC complaint		
R-1217			Pleadings, orders, exhibits, and other papers filed in United Guaranty v. Countrywide (C.D. Cal) Case No. 09-1888		
R-1217A		3/16/2009	United Guaranty v. Countrywide (C.D. Cal) Case No. 09-1888 Complaint		
R-1218			Pleadings, orders, exhibits, and other papers filed in US Bank v. Countrywide (N.Y. Sup. Ct.) 652388/2011		
R-1332		05/26/2011	Complaint filed in Knights of Columbus v. The Bank of New York Mellon, Index No. 651442/2011 (N.Y. Sup. N.Y. County)	Index No. 651442/2011 NYSCEF Doc. No. 1-1	

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-1333		08/16/2011	Amended Complaint filed in Knights of Columbus v. The Bank of New York Mellon, Index No. 651442/2011 (N.Y. Sup. N.Y. County) and exhibits	Index No. 651442/2011 NYSCEF Doc. Nos. 20, 21, 21-1, 21-2, 21-3, 21-4	
R-1334		05/28/2013	Second Amended Complaint filed in Knights of Columbus v. The Bank of New York Mellon, Index No. 651442/2011 (N.Y. Sup. N.Y. County)		
R-1335		04/26/2013	Decision and Order entered in Knights of Columbus v. The Bank of New York Mellon, Index No. 651442/2011 (N.Y. Sup. N.Y. County) denying in part and granting in part defendant The Bank of New York Mellon's Motion to Dismiss	Index No. 651442/2011 NYSCEF Doc. No. 45	
R-1336		04/25/2012	Transcript of hearing on the Motion to Dismiss filed by The Bank of New York Mellon in Knights of Columbus v. The Bank of New York Mellon, Index No. 651442/2011 (N.Y. Sup. N.Y. County)		
R-1337		10/24/2011	Motion to Dismiss and Stay filed by The Bank of New York Mellon in Knights of Columbus v. The Bank of New York Mellon, Index No. 651442/2011 (N.Y. Sup. N.Y. County)	Index No. 651442/2011 NYSCEF Doc. No. 24, 25, 26	
R-1338		11/18/2011	The Knights of Columbus's opposition to the Motion to Dismiss and Stay filed in Knights of Columbus v. The Bank of New York Mellon, Index No. 651442/2011 (N.Y. Sup. N.Y. County)	Index No. 651442/2011 NYSCEF Doc. No. 28, 29, 30, 31, 32	
R-1339		12/06/2011	Reply filed by The Bank of New York Mellon in support of its motion to dismiss in Knights of Columbus v. The Bank of New York Mellon, Index No. 651442/2011 (N.Y. Sup. N.Y. County)	Index No. 651442/2011 NYSCEF Doc. No. 38,	
R-1340		04/04/2013	Adelson deposition excerpts in 1:11-cv-05459-WHP ("WHP case")		
R-1341		11/21/2008	Email Bartholomew to Naughton-Carr RE: Privilege w/ Pillsbury letter ("Adelson 4")	BNYM_PF_0016489 8-902	Confidential
R-1342		01/16/2009	Email Fairweather to Bartholomew et al re Privileged w/ FannieMae letter ("Adelson 7")	BNYM_PF_0016291 8-23	Confidential
R-1343		05/21/2008	Bank of America Corp Amendment #3 to Form S-4 Excerpts ("Adelson 9")		
R-1344		03/25/2009	Email Hermann to Crosson et al re Fw: CWEQ 2006-S7 Mortgage Insurance Questions ("Adelson 15")	BNYM_PF_0015903 7-43	Confidential
R-1345		06/03/2009	Email Adelson to Hermann re Privileged ("Adelson 16")	BNYM_PF_0016288 2-90	Confidential

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-1346		06/03/2009	Email Hermann to Crosson re Fw: CWEQ, Serie 2006-S1 through S7 w/ BNYM(FT Partners) ("Adelson 17")	BNYM_PF_0015085 5-59	Confidential
R-1347		4/1/2013	Bartholomew deposition excerpts in WHP case		
R-1348		10/27/2008	CWABS Monthly Distribution Summary ("Bartholomew 9")		
R-1349		09/22/2008	Email Cerchio to Chrysanthis w/ Notification Procedures ("Bartholomew 14")	BNYM_PF_0007846 4-78	Confidential
R-1350		02/11/2009	Email Bartholomew to Cerchio re Fw: Monitoring and Tracking - Tape Cracking Spreadsheet ABS & MBS - BNYM as Back Up Servicer - January 2009 ("Bartholomew 15")	BNYM_PF_0007267 4-78	Confidential
R-1351		06/10/2008	Email Bartholomew to Tadie et al Re: Freddie Mac/Countrywide ("Bartholomew 18")	BNYM_PF_0009655 4-55	Confidential
R-1352		11/06/2008	Email Bartholomew to Hermann re Privileged w/ FannieMae letter ("Bartholomew 19")	BNYM_PF_0015992 8-31	Confidential
R-1353		no date	Pooling and Service Agreement: CWALT 2006-OA3 ("Bartholomew 27")		
R-1354		no date	Schedule III-A CWALT 2006-OA3 Excerpts ("Bartholomew 28")		
R-1355		5/12/2008	Syncora letter (redacted) ("Bartholomew 30")	BNYM_PF_0013833 7-72	Confidential
R-1356		07/11/2008	Email Kurzban to Bartholomew et al Re Fw: Countrywide Outstanding Repurchase Requests ("Bartholomew 33")	BNYM_PF_0005276 5-66	Confidential
R-1357		06/19/2008	Email Bartholomew to Cerchio et al re: Issues List ("Bartholomew 34")	BNYM_PF_0015770 2-04	Confidential
R-1358		08/11/2008	Email Martinez to Finkenberg et al re Privileged w/ MBIA letter ("Bartholomew 41")	BNYM_PF_0015736 3-72	Confidential
R-1359		04/09/2013	Feig deposition excerpts in WHP case		
R-1360		03/19/2009	United Guaranty Mortgage Complaint, Case No. 2:09-cv-01888 ("Feig 1")		
R-1361		05/15/2008	NY Times Article: Judge Says Countrywide Officers Must Face Suit by Shareholders ("Feig 2")		
R-1362		7/1/2008	NYT Article: Countrywide whistleblower reports 'liar loans' ("Feig 3")		
R-1363		6/4/2009	Time Business Article: Is Mozilla's Crime the Liar Loans - or the Lie? ("Feig 4")		
R-1364		12/9/2009	Email Patton to Chase et al re Fannie Mae Documents w/ attachments ("Feig 5")	BNYM_PF_0014466 4-85	Confidential
R-1365		3/17/2009	Email Hermann to Fudali et al re Fw: Fannie Mae/BoNY/Countrywide - Letter of direction (D&L Comments) w/ Fannie Mae letter draft ("Feig 6")	BNYM_PF_0016290 2-09	Confidential
R-1366		6/1/2009	Email Hermann to Crowley et al re Privileged w/ attachments ("Feig 7")	BNYM_PF_0015008 3-96	Confidential

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-1367		10/14/2008	Countrywide Form 8-K ("Feig 8")		
R-1368		7/31/2008	BNYM Del. Complaint Case No. 3935 ("Feig 9")		
R-1369		8/18/2008	BNYM Del. Memo ("Feig 10")		
R-1370		5/2/2008	Email Brown to Price et al re FW: S&P downgrade and press release on Countrywide due to BAC S4/A filing ("Feig 11")	BACMBIA-O000038664-66	
R-1371		7/8/2008	Countrywide Form 8-K ("Feig 12")		
R-1372		11/7/2008	BoA Form 8-K ("Feig 13")		
R-1373		10/3/2008	Countrywide Action by Unanimous Written Consent of Directors in Lieu of Meeting of Directors ("Feig 14")	BACMBIA-C0000168521-42	
R-1374		10/14/2008	Countrywide Action by Unanimous Written Consent of Directors in Lieu of Meeting of Directors ("Feig 15")	CWMBIA-G0000196813-26	
R-1375		10/23/2008	Email Wagner to Kurzban et al re CWHEQ 2006-S1, Redacted w/ attachments ("Feig 20")	BNYM_PF_00150490-550	Confidential
R-1376		5/15/2013	Scrivener deposition excerpts in WHP case*		
R-1377			Scrivener confidential exhibits*		
R-1378		12/31/2010	BoA SEC Form 10-K Excerpts ("Scrivener 4")		
R-1379		12/31/2012	BoA SEC Form 10-K Excerpts ("Scrivener 10")		
R-1380		6/22/2006	Minutes of the Meeting of the Credit Risk Management Committee ("Scrivener 13")	CFC2007C006790-96	
R-1381		1/25/2007	Email McMurray to Ling et al re MD&A Credit Risk ("Scrivener 15")	NYF-SEC 031534-39	
R-1382		3/3/2009	Email Baker to Schloessmann et al re Materials for tomorrow morning's R&W/Monoline Meeting w/ attachments ("Scrivener 21")	BACMBIA-X0000006465-506	
R-1383			Schloessmann deposition excerpts in WHP case*		
R-1384			Schloessmann confidential exhibits*		
R-1385		07/10/2009	Email Baker to Schloessmann et al re Key Ops Deliverables w/ attachment ("Schloessmann 72")	CWMBIA0018625735-38	
R-1386		12/06/2007	Countrywide Internal Audit Review of Enterprise Wide Asset Securitization ("Schloessmann 75")	CWMBIA0015978401-15	
R-1387		11/12/2008	Email Welsh to Sands et al re Fw: Brucker Meeting Follow Up Items ("Schloessmann 76")	BACMBIA-X0000271172-79	
R-1388		02/10/2010	Email Schloessmann to Welsh et al re: New Securitization Activity ("Schloessmann 77")	BACMBIA-X0000201139-41	
R-1389		09/30/2010	Countrywide Minutes of Special Joint Meeting of BOD ("Schloessmann 78")	BACMBIA-X0000099611-14	

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-1390		07/02/2008	Master Services Agreement ("Schloessmann 79")	BACMBIA-C0000161203-15	
R-1391			Civil Docket for SEC v. Mozilo, Case No. 2:09-cv-03994		
R-1391A		06/04/2009	SEC v. Mozilo, Case No. 2:09-cv-03994 Complaint		
R-1391B		08/16/2010	SEC v. Mozilo, Case No. 2:09-cv-03994 DKT 255-6 Ex. 220		
R-1391C		08/16/2010	SEC v. Mozilo, Case No. 2:09-cv-03994 DKT 257-5 Ex. 220		
R-1391D		08/16/2010	SEC v. Mozilo, Case No. 2:09-cv-03994 DKT 279-18 Ex. 109		
R-1391E		08/16/2010	SEC v. Mozilo, Case No. 2:09-cv-03994 DKT 283-2 Ex. 118		
R-1392		03/12/2012	Supplemental Consent Judgment in FTC v. Countrywide Home Loans, Case No. 10-4193-JFW-SSX (C.D. Cal.), available at http://www.ftc.gov/os/caselist/0823205/120209countrywideorder.pdf		
R-1393		02/23/2011	Complaint in Walnut Place et al. v. Countrywide Home Loans et al., Index No. 650497/11		
R-1394		08/02/2011	Complaint in Walnut Place et al. v. Countrywide Home Loans, Inc. et al., Index No. 652146/11		
R-1395		08/29/2011	Complaint in U.S. Bank National Association, as Trustee for Harborview Mortgage Loan Trust, Series 2005-10 v. Countrywide Home Loans, Inc. et al.		
R-1396		02/27/2011	Expert Report of Steven Butler in MBIA Insurance Corp. v. Countrywide Home Loans, Inc. et al.		
R-1397		12/18/2012	Complaint in Merrill Lynch Mortgage Investors Trust, Series 2006-RM4 and RM5 v. Merrill Lynch Mortgage Lending, Inc. et al.		
R-1398		04/07/2011	Complaint in Assured Guaranty Municipal Corp. v. Flagstar Bank FSB		
R-1408			Pleadings, orders, exhibits, and other papers filed in In re Residential Capital, LLC, et al. 12-12020		
R-1408A		10/05/2012	In re Residential Capital, LLC, et al. 12-12020, Steering Committee Investors' Statement In Support of Settlement and Response to Settlement Objections (Doc. No. 1739)		
R-1412		11/19/2008	Minutes of Special Meeting of Board of Directors of BoA	BACMBIA-W0000001964 - 74	
R-4060			Pleadings, orders, exhibits, and other papers filed in Luther v. Countrywide Financial Corp. Cal State Ct. BC 380698 (12-cv-5125)		
R-4060A			Luther v. Countrywide Financial Corp. Cal State Ct. BC 380698 (12-cv-5125) Consolidated Complaint		

Hrg. Ex. No.	Dep. Ex. No.	Date	Description	Bates	Confidential/AEO
R-4061			Pleadings, orders, exhibits, and other papers filed in Maine State Retirement Sys v. Countrywide Fin. USDC Cen. Dist. Cal. Case. No. 10-cv-302		
R-4061A		6/6/2011	Maine State Retirement Sys v. Countrywide Fin. USDC Cen. Dist. Cal. Case. No. 10-cv-302 Third amended class complaint		
R-4062			Pleadings, orders, exhibits, and other papers filed in Cambridge Place Invest v. Morgan Stanley & Co. (commonwealth of Mass. No. 10-2741)		
R-4062A		7/9/2010	Cambridge Place Invest v. Morgan Stanley & Co. (commonwealth of Mass. No. 10-2741) Complaint and jury demand		
R-4063			Pleadings, orders, exhibits, and other papers filed in In re IndyMac Mortgage-Backed Securities Litigation (SDNY 09-civ-04583)		
R-4063A		10/29/2009	In re IndyMac Mortgage-Backed Securities Litigation (SDNY 09-civ-04583) Amended Consolidated class action complaint for violations of the securities act of 1933		
			Pleadings, orders, exhibits, and other papers filed in any other cases where an RMBS loan file review was conducted		
			Pleadings, orders, exhibits, and other papers filed in any other cases in which Countrywide or Bank of America is a Defendant for liabilities related to breaches of representations and warranties or servicing in RMBS.		
			All documents produced under subpoena duces tecum served on William Frey May 20, 2013 in this proceeding		
			Transcripts of any testimony given under oath by any witness appearing in this proceeding		

Exhibit 2

UNITED STATES DISTRICT COURT

for the

Southern District of New York

THE BANK OF NEW YORK MELLON

Plaintiff

v.

WALNUT PLACE LLC, et al.

Defendant

Civil Action No. 11CIV5988(WHP)

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: The Custodian of Records of Bank of America Corporation, One Bryant Park, New York, New York 10036

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

SEE ATTACHED.

Table with 2 columns: Place (Keller Rohrback LLP, 770 Broadway, Second Floor, New York, NY 10003) and Date and Time (11/30/2011 11:00 am)

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Table with 2 columns: Place and Date and Time (empty)

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: Nov. 18, 2011

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Attorney's signature (handwritten)

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Civil Action No. 11CIV5988(WHP)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT
OF NEW YORK

THE BANK OF NEW YORK MELLON,

Plaintiff,

-against-

WALNUT PLACE LLC, et al.,

Defendant.

11-CIV-5988 (WHP)

RULE 45 SUBPOENA TO BANK OF AMERICA CORPORATION

To: The Custodian of Records of Bank of America Corporation, One Bryant Park, New York,
New York 10036,

Pursuant to Fed. R. Civ. P. 45, the Custodian of Records of Bank of America Corporation is directed to produce the documents listed in this subpoena at the offices of Keller Rohrback LLP, 770 Broadway, Second Floor, New York, NY 10003, not later than ten days from the date of service of this subpoena. Recipient should refer to Exhibit "A" for definitions of capitalized terms and additional details concerning the manner in which you should respond to these requests. Notice of this Rule 45 Subpoena has been served on all parties and counsel for all proposed intervenors, in accordance with the certificate of service below.

REQUESTS FOR DOCUMENTS

You are requested to produce the following:

1. All documents containing any analysis or consideration of the Proposed Settlement or Settlement Agreement performed by or communicated to any person

2. All documents containing or concerning communications, whether internally at BofA or between You, on the one hand, and BNY Mellon, the Institutional Investors (including any one or more of the Institutional Investors and any employee, agent, or attorney acting on behalf of any one or more of the Institutional Investors), or any other third party, on the other, concerning claims of one or more of the Covered Trusts against You, the Proposed Settlement, the Settlement Agreement, or the Proposed Final Order and Judgment.

3. All documents containing or concerning communications whether internally at BofA or between You, on the one hand, and BNY Mellon, the Institutional Investors (including any one or more of the Institutional Investors and any employee, agent, or attorney acting on behalf of any one or more of the Institutional Investors), or any other third party on the other, concerning potential and actual settlement of claims of one or more of the Covered Trusts against You.

4. All documents containing or concerning communications whether internally at BofA or between You, on the one hand, and BNY Mellon, the Institutional Investors (including any one or more of the Institutional Investors and any employee, agent, or attorney acting on behalf of any one or more of the Institutional Investors), or any other third party, on the other, concerning the decision to seek judicial approval under Article 77 of the New York Civil Practice Law and Rules.

5. All documents containing or concerning communications whether internally at BofA or between You, on the one hand, and BNY Mellon, the Institutional Investors (including any one or more of the Institutional Investors and any employee, agent, or attorney acting on behalf of any one or more of the Institutional Investors), or any other third party, on the other, concerning the decision to seek or require judicial approval of the Proposed Settlement or Settlement Agreement in any particular court or department, for example, New York Supreme Court, any court of any other state, any federal court.

6. Documents sufficient to show all business transactions between You, on the one hand, and BNY Mellon or the Institutional Investors (including any one or more of the

Institutional Investors and any employee, agent, or attorney acting on behalf of any one or more of the Institutional Investors), on the other, between October, 19 2010 and the present.

7. All documents concerning Your potential or actual liability to the Covered Trusts on any legal theory or factual basis, including without limitation, breaches of representations and warranties, document exceptions, servicing errors, and indemnification of others, including BNY Mellon.

8. A random sample of 500 loan files for performing loans and 500 loan files for non-performing loans in each of the Covered Trusts. For purposes of this request, the term "loan files" means (i) the complete loan originator, servicer, and master servicer file, including but not limited to origination credit reports, underwriting work sheets, underwriting exceptions granted, appraisal or valuation results, title commitment and policy, AUS findings, loan approval, loan application (Form 1008 and all supporting documents), mortgage note, mortgage or deed of trust, mortgage insurance certificate, HUD1, etc.; (ii) applicable underwriting guidelines; (iii) closing loan tapes and mortgage loan schedules; (iv) evidence of all conveyances and assignments; (v) all loan servicing records, including without limitation, call notes, foreclosure files and communications, loss mitigation files; (vi) all mortgage insurance rescission-related documents; (vii) all records concerning repurchase analysis, demands, investigations, communications; and (viii) servicing guidelines and procedures. For the purposes of this request, a "performing loan" is a mortgage loan where the borrower is less than 60 days delinquent in his or her payments, or not delinquent at all; a "non-performing loan" is a mortgage loan where the borrower is at least 60 days delinquent in his or her payments.

9. All documents related to a potential or actual Event of Default under one or more of the Pooling and Servicing Agreements and/or Sale and Servicing Agreements for one or more of the Covered Trusts.

10. All requests or demands that You cure, repurchase, or replace any loan in the Covered Trusts from any source.

11. All documents concerning Your ability to withdraw from the Settlement

Agreement.

12. All documents concerning the circumstances under which a Covered Trust would become an Excluded Covered Trust.

13. All documents concerning the exclusion of MERS-registered loans from the document cure provisions of the Settlement Agreement.

14. All documents concerning Your holdings in the Covered Trusts.

15. All documents concerning any portion of the settlement payment You believe, anticipate, or estimate will be paid to You, whether directly, indirectly, or by withholding any portion of the settlement payment.

16. Documents sufficient to show the benefit inuring to You from any delay in consummating the Settlement terms, including, without limitation, interest on the settlement payment.

17. All documents concerning all loans in the Covered Trusts of which foreclosure was not possible or may not be possible in the future.

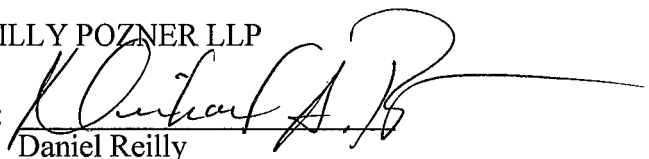
18. All documents concerning all loans in the Covered Trusts for which mortgage insurance payment was denied by the insurer.

19. All documents concerning or analyzing Bank of America's successor liability for any Countrywide entity, including, without limitation, (a) deal documents and government or regulatory filings in connection with Bank of America's acquisition of Countrywide, and (b) all documents produced or transcripts of depositions taken in *MBIA Insurance Corp. v. Countrywide Home Loans, Inc., et al.*, Index No. 08/602825 (N.Y. Sup. Ct.) regarding Bank of America's successor liability.

Dated: November 18, 2011

REILLY POZNER LLP

By:



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Bankers Specialty Insurance Company*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of these requests was served on all parties and proposed intervenors, by and through their counsel of record, via electronic mail, on this 18th day of November, 2011.



Ann Romanelli

EXHIBIT A

Intervenor-Respondents, by their undersigned counsel, hereby request that Bank of America Corporation respond to the following requests for documents in accordance with the enclosed subpoena and instructions:

DEFINITIONS

1. The definitions and rules of construction provided in Local Civil Rule 26.3 are incorporated by reference.
2. "Bank of America" means Bank of America Corporation and BAC Home Loans Servicing, LP and their successors and assigns, including their officers, employees, agents, and/or any person or entity acting on their behalf.
3. "BNY Mellon" means The Bank of New York Mellon and its successors and assigns, including its officers, employees, agents, and/or any person or entity acting on its behalf.
4. "Countrywide" means Countrywide Financial Corporation and Countrywide Home Loans, Inc. and their successors and assigns, including their officers, employees, agents, and/or any person or entity acting on their behalf.
5. "Covered Trusts" means the 530 residential mortgage-backed securitization trusts listed on Exhibit A to the Settlement Agreement.
6. "Institutional Investors" means the entities listed under Roman numeral "(ii)" in the first paragraph of the Institutional Investor Agreement (defined herein).
7. "Institutional Investor Agreement" means the Institutional Investor Agreement between BNY Mellon, Bank of America, Countrywide, and the Institutional Investors, executed on June 28, 2011.
8. "Master Servicer" means the same as "master servicer," as defined in the third Whereas clause in the Settlement Agreement (defined herein).
9. "Proposed Final Order and Judgment" means the Proposed Final Order and Judgment attached as Exhibit F to BNY Mellon's Verified Petition filed in the Supreme Court of

the State of New York on June 29, 2011.

10. "Proposed Settlement" means all terms, provisions, and proposals suggested or considered in the negotiations, discussions, communications, and deliberations that culminated in the Settlement Agreement (defined herein), the Institutional Investor Agreement (defined herein), and the Proposed Final Order and Judgment (defined herein), whether or not incorporated into the Settlement Agreement, the Institutional Investor Agreement, or the Proposed Final Order and Judgment.

11. "Settlement Agreement" means the Settlement Agreement between BNY Mellon, Bank of America, and Countrywide, executed on June 28, 2011, and all exhibits to the Settlement Agreement.

12. "Trustee" means BNY Mellon.

13. "You" means Bank of America and Countrywide, as defined above

INSTRUCTIONS

1. In responding to these requests for documents, set forth the language of each request immediately prior to Your response to that request and identify by Bates number the documents responsive to each request.

2. Documents shall be produced as they are kept in the usual course of business or the documents shall be organized and labeled to correspond to the categories in these requests. In the case of documents that were already produced pursuant to federal, state, local government, or administrative requests, investigations, or subpoenas, those documents should be produced in the same manner as they were previously produced by You.

3. Documents shall be produced in such fashion as to identify the department, branch or office in whose possession it was located and, where applicable, the natural person in whose possession it was found and the business address of each document's custodian(s).

4. You are required to produce the original of each document requested together with all non-identical copies and drafts of each document. If the original of any document cannot be

located and/or produced, provide a copy in lieu thereof, which shall be legible and bound or stapled in the same manner as the original, and produce all other non-identical copies that differ from the original and from the other copies produced for any reason, including without limitation, the making of notes thereon.

5. Documents attached to each other in their original form should not be separated when produced. Any attachments to email messages should be produced with, and linked to, the attaching email.

6. If You are unable to respond fully to any document request, respond to the extent possible, and specify the reasons for Your inability to respond in full and describe to the best of Your knowledge, information and belief, and with as much particularity as possible, those portions of the document that are not being produced.

7. When an objection is made to any request, the objection shall state with specificity all corresponding grounds.

8. If any document is withheld, in whole or in part, for any reason, including, but not limited to, any claim of privilege, whether work-product or attorney-client, common interest, confidentiality, or trade secret, You shall provide a privilege log setting forth separately with respect to each document: (a) the nature of the privilege or the ground of confidentiality claimed; (b) the type of document; (c) the authors of the document, including title and affiliation; (d) the addressees of the document, including title and affiliation; (e) all persons who received copies of the document, including titles and affiliations; (f) the date of the document; (g) the subject matter of the document; and (h) the Bates and/or control number(s) assigned to the document.

9. If a document contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible without thereby disclosing the privileged material. If a privilege is asserted with regard to part of the material contained in a document, You must clearly indicate the portions as to which the privilege is claimed in accordance with the procedure outlined above.

10. All documents shall be Bates stamped and include the following metadata (to the

extent applicable):

- a. Document Date:
- b. Document Created Date:
- c. Document Modified Dates:
- d. Time Sent:
- e. To:
- f. From:
- g. Cc:
- h. Bcc:
- i. Subject
- j. Filename
- k. Doctype
- l. Beg Bates
- m. End Bates

11. All spreadsheets, including, without limitation, documents produced using Microsoft Excel, shall be produced in native format.

12. Documents not otherwise responsive to these requests shall be produced if such documents mention, discuss, refer to, or explain the documents that are called for by these requests, or if such documents are attached to documents called for by the requests and constitute routing slips, transmittal memoranda or letters, comments, evaluations or similar materials.

Exhibit 3



Daniel M. Reilly
Tel: 303-893-6100
dreilly@rplaw.com

August 15, 2012

Via E-Filing and Facsimile

The Honorable Barbara R. Kapnick
Supreme Court of the State of New York
60 Centre Street
New York, New York 10007

**Re: *In re the application of The Bank of New York Mellon*
(Index No. 651786/2011) (“Article 77 Litigation”)**

Dear Justice Kapnick:

Enclosed please find a letter submitted by the members of the Steering Committee to Justice Bransten in *MBIA Insurance Corp. v. Countrywide Home Loans, Inc., et al.* (Index No. 602825/2008).

Plaintiff MBIA recently submitted a request to Justice Bransten to remove the “Confidential” designation from several categories of documents exchanged between MBIA and Bank of America/Countrywide in that case. The Steering Committee submitted the enclosed letter to Justice Bransten to support MBIA’s request to de-designate those documents so that they may be publicly filed.

Public access to these documents would streamline discovery in the Article 77 proceeding. Many of the issues that have been litigated in the MBIA litigation relate to Bank of America/Countrywide’s liability for its residential mortgage backed securities and are similar or identical to disputed issues before Your Honor. Accordingly, if the documents in the MBIA litigation are made available, it would likely reduce the burden on the parties and the Court in the Article 77 proceeding.

Respectfully submitted,

Daniel M. Reilly

Enclosures

cc: All counsel



Daniel M. Reilly
Tel: 303-893-6100
dreilly@rplaw.com

August 15, 2012

Via E-Filing and Hand Delivery

The Honorable Eileen Bransten
Supreme Court of the State of New York
60 Centre Street
New York, New York 10007

Re: *MBIA Ins. Corp. v. Countrywide Home Loans, Inc. et al.*
(Index No. 602825/2008)

Dear Justice Bransten:

I represent American International Group, Inc. and its affiliates (collectively "AIG") in the Article 77 proceeding currently pending before the Honorable Barbara R. Kapnick, captioned *In re the Application of The Bank of New York Mellon* (Index No. 651786/2011) ("Article 77 Litigation"). Through the Article 77 Litigation, the Bank of New York Mellon ("Trustee") seeks judicial approval of an \$8.5 billion proposed settlement with Bank of America over liability arising from 530 Countrywide-issued residential mortgage backed securities ("RMBS") trusts. This proposed settlement is a matter of great public importance that will affect thousands of investors who have holdings in those trusts.

The Intervenor-Respondents and Objectors in the Article 77 Litigation formed a Steering Committee which consists of my firm, Keller Rohrback LLP, who represents the Federal Home Loan Banks of Boston, Chicago, and Indianapolis, and Miller & Wrubel, P.C. The members of the Steering Committee respectfully submit this letter in support of Plaintiff MBIA's Order to Show Cause why confidentiality restrictions should not be removed from the following categories of documents in this case: (1) party deposition transcripts; (2) documents used as exhibits in party depositions; (3) expert reports; (4) documents used as exhibits to expert reports; and (5) materials relied upon by expert witnesses. (Order to Show Cause at 2.)

Removing the confidentiality restrictions on the documents would reduce the burdens and costs on the parties in the Article 77 Litigation and would further the interests of judicial economy. The documents in question could potentially provide RMBS investors in the 530 trusts with information concerning loan file integrity, putback liability, successor liability, servicing deficiencies and resulting losses. That type of information would help investors (and the court) evaluate the reasonableness of the \$8.5 billion settlement amount, which is one of the primary purposes of the Article 77 Litigation. In light of the number of investors implicated by the proposed settlement, there is a clear public interest in the disclosure of additional facts that will allow those investors to evaluate the reasonableness of the proposed settlement amount. The



The Honorable Eileen Bransten
August 15, 2012
Page 2

documents subject to MBIA's request to remove confidentiality restrictions are therefore important to both the Article 77 Litigation and the public more broadly.

For those reasons, the Steering Committee supports MBIA's request to lift the current confidentiality restrictions and respectfully requests that this Court grant that request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Daniel M. Reilly".

Daniel M. Reilly
On Behalf of the Members of the Steering Committee

cc: The Honorable Barbara R. Kapnick
Matt Ingber, Esq.
Kathy Patrick, Esq.

Exhibit 4

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.

NOTICE OF SUBPOENA

To: All counsel of record

PLEASE TAKE NOTICE that, pursuant to New York Civil Practice Law and Rules 3120(1)(i), the Steering Committee of Intervenor-Respondents and Objectors, by the undersigned counsel, has requested that documents be produced by Bank of America Corporation at the offices of Miller & Wrubel, 570 Lexington Avenue, New York, New York 10022 on or before October 4, 2012.¹

A copy of the subpoena is attached hereto as Exhibit A.

¹ The Steering Committee submits this Subpoena Duces Tecum to Bank of America Corporation on behalf of all Respondents except: the Delaware Department of Justice; the New York State Office of the Attorney General; the Federal Housing Finance Agency; the National Credit Union Administration Board; the Maine State Retirement System; Pension Trust Fund for Operating Engineers; Vermont Pension Investment Committee; the Washington State Plumbing and Pipefitting Pension Trust; the Knights of Columbus and the other clients represented by Talcott Franklin P.C.; Cranberry Park LLC; Cranberry Park II LLC; and Good Hill Partners LP.

DATED: September 14, 2012

REILLY POZNER LLP

By: 

Daniel Reilly
Michael Rollin
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Denver, Colorado 80202
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Attorneys for AIG Entities

MILLER & WRUBEL P.C.

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Attorneys for the Triaxx Entities

KELLER ROHRBACK LLP

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dloeser@kellerrohrback.com
dko@kellerrohrback.com

*Attorneys for Federal Home Loan
Banks of Boston, Chicago, and
Indianapolis*

EXHIBIT A

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 DUCES
TECUM (pursuant to
CPLR 3120(1)(i))**

TO: Custodian of Records
Bank of America Corporation
One Bryant Park
New York, New York 10036

PURSUANT TO CPLR 3120(1)(i), YOU ARE HEREBY COMMANDED to produce and permit inspection and copying of records, documents, or objects requested in **Exhibit A**, which is attached hereto, at the offices of Miller & Wrubel, 570 Lexington Avenue, New York, New York 10022 on or before October 4, 2012.

YOU ARE FURTHER COMMANDED to produce a privilege log, if necessary and appropriate, of any documents you withhold from this subpoena at the above-referenced date and place. Each document entry on the privilege log must provide the following information: (1) the type of document; (2) the general subject matter of the document; (3) the date of the document; (4) such other information as is sufficient to identify the document for a subpoena duces tecum; and (5) the legal ground for withholding the document.


The undersigned parties are issuing this subpoena because you are in possession of documents relevant to the above-captioned matter which cannot be acquired from parties to this action.¹

PLEASE TAKE NOTICE that pursuant to CPLR 2308(b), 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.

¹ The Steering Committee submits this Subpoena Duces Tecum to Bank of America, Corp. on behalf of all Respondents except: the Delaware Department of Justice; the New York State Office of the Attorney General; the Federal Housing Finance Agency; the National Credit Union Administration Board; the Maine State Retirement System; Pension Trust Fund for Operating Engineers; Vermont Pension Investment Committee; the Washington State Plumbing and Pipefitting Pension Trust; the Knights of Columbus and the other clients represented by Talcott Franklin P.C.; Cranberry Park LLC; Cranberry Park II LLC; and Good Hill Partners LP.

DATED: September 14, 2012

REILLY POZNER LLP

By: 

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Attorneys for the Triaxx Entities

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*Attorneys for Federal Home Loan
Banks of Boston, Chicago, and
Indianapolis*

EXHIBIT A

DEFINITIONS

1. “You,” “Your,” or “BofA,” means Bank of America Corporation and BAC Home Loans Servicing, LP and each of their successors and assigns, including each of their officers, employees, agents, and/or any person or entity acting on their behalf.

2. “BNYM” or “Trustee” means The Bank of New York Mellon and its successors and assigns, including its officers, employees, agents, and/or any person or entity acting on its behalf.

3. “Inside Institutional Investor” means each of: BlackRock Financial Management Inc.; Kore Advisors, L.P.; Maiden Lane, LLC; Metropolitan Life Insurance Company; Trust Company of the West and affiliated companies controlled by The TCW Group, Inc.; Neuberger Berman Europe Limited; Pacific Investment Management Company LLC; Goldman Sachs Asset Management, L.P.; Teachers Insurance and Annuity Association of America; Invesco Advisors, Inc.; Thrivent Financial for Lutherans; Landesbank Baden-Wuerttemberg; LBBW Asset Management (Ireland) plc, Dublin; ING Bank fsb; ING Capital LLC; ING Investment Management LLC; Nationwide Mutual Insurance Company and its affiliated companies; 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; Federal Home Loan Bank of Atlanta; Bayerische Landesbank; Prudential Investment Management Inc.; and Western Asset

Management Company and each of their successors and assigns, including each of their officers, employees, agents, and/or any person or entity acting on their behalf.

4. “Countrywide” means Countrywide Financial Corporation and Countrywide Home Loans, Inc. and each of their successors and assigns, including each of their officers, employees, agents, and/or any person or entity acting on their behalf.

5. “Covered Trusts” means the 530 residential mortgage-backed securitization trusts listed on Exhibit A to the Settlement Agreement.

6. “Event of Default” means the same as “Event of Default,” as defined in Section 7.01 of the Pooling and Servicing Agreements (“PSA”) that govern the majority of the Covered Trusts. (*See, e.g.*, CWALT 2004-2CB Pooling and Servicing Agreement § 7.01, Doc. No.11-1, Ex. A-17 to 6/28/11 Ingber Affirmation).

7. “Forbearance Agreement” means that letter agreement dated December 9, 2010, entered into by Theodore N. Mirvis, Brian E. Pastuszonski and Marc T.G. Dworsky on behalf of BAC Home Loans Servicing, LP, Kathy Patrick on behalf of the Inside Institutional Investors, and Jason H.P. Kravitt on behalf of BNYM, as well as any and all amendments or extensions thereto.

8. “Proposed Final Order and Judgment” means the Proposed Final Order and Judgment attached as Exhibit F to BNYM’s Verified Petition filed in the Supreme Court of the State of New York on June 29, 2001 (Doc. No. 7).

9. “Proposed Settlement” means all terms, provisions, and proposals suggested or considered in the negotiations, discussions, communications, and deliberations that culminated in the Settlement Agreement, the Institutional Investor Agreement, and the Proposed Final Order and Judgment, whether or not incorporated into the Settlement Agreement, the Institutional

Investor Agreement, or the Proposed Final Order and Judgment.

10. "Settlement Agreement" means the settlement agreement among BNYM, Bank of America Corporation, BAC Home Loans Servicing, LP, Countrywide Financial Corporation and Countrywide Home Loans, Inc., dated June 28, 2011, which is the subject of the Proceeding.

11. "Settlement Payment" means the same as "Settlement Payment" as that term is defined in Section 3 of the Settlement Agreement.

12. "Notice of Non-Performance" means the October 18, 2010 letter from Kathy Patrick on behalf of certain undersigned certificate holders sent to Countrywide Home Loan Servicing LP and BNYM.

13. The terms "and" and "or" mean and/or and shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this discovery request all responses that might otherwise be construed to be outside of its scope.

14. "Concerning" means referring to, containing, relating to, describing, offering evidence of, or constituting.

15. "Document" is defined in the broadest possible sense permissible under applicable laws and/or the CPLR, and shall include, but not be limited to, any type of written, typewritten, printed, recorded, computer generated or graphic materials, however produced or stored, calendars, charges, checks, computer files, e-mails, facsimile transmissions, graphs, journals, letters, memoranda, notes, projections, spreadsheets, summaries or records of telephone or in person communications, voice-mail and all other media of electronic storage and communication. A draft or non-identical copy or copy with marginalia, notes, comments, or annotations of any kind is a separate document within the meaning of this term.

INSTRUCTIONS

1. In responding to this subpoena, please set forth the language of each request immediately prior to the response given for that request.
2. Your written responses to these requests should respond separately to each numbered demand for production below by: (1) providing a statement that you have complied (inclusive of Bates ranges) or will comply with the particular demand; or (2) providing a statement that you lack the ability to comply with the particular demand; or (3) providing any objection to the particular demand.
3. If your response to a particular demand is that you will comply with the demand, you should state in your response whether the production will be allowed in whole or in part, and you should state that all documents or things in the demanded category that are in your possession, custody or control, and to which no objection is being made, will be included in the production.
4. If your response to a particular demand is a statement that you lack the ability to comply with that demand, you should affirm in your response that a diligent search and a reasonable inquiry have been made in an effort to comply with that demand. This statement should also specify whether the inability to comply is because the particular item or category never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer in your possession, custody, or control, in which case the name and address of any person or entity known or believed by you to have possession, custody or control of that document or category of documents should be identified.
5. If you object to a request for production contained herein, state the basis for your objection with particularity. If you object to part of a request for production contained herein,

specify the part to which you object and the basis for your objection with particularity, and answer the unobjectionable part of the request.

6. In producing any Documents requested herein, please furnish all Documents in your possession, custody, or control. "Possession, custody, or control" refers to all Documents, data compilations, tangible things, and other information obtainable by your order or direction, including those you have access to through others from whom you are entitled to receive the information, such as accountants, attorneys, consultants, investigators and any of your other agents, representatives, servants, or employees, or others engaged in any joint enterprise or partnership with you.

7. Every Document produced in response to the requests herein shall be produced in its entirety, without abbreviation, and shall include all attachments and matters affixed thereto, along with any and all drafts of the Document.

8. If any document responsive to any of these requests was, but is no longer, in your possession or subject to your custody or control, state whether it is (a) missing or lost, (b) has been destroyed, (c) has been transferred, voluntarily or involuntarily to others, or (d) has been otherwise disposed of, and in each instance explain the circumstances surrounding such disposition thereof and state the date or approximate date thereof.

9. These requests for production are deemed continuing. If any information or documents sought by the requests are not learned about, or do not become available until after the requests are answered, or if the answers for any reason should later become incomplete or incorrect, there shall be a continuing duty on your part to supplement or change answers previously submitted pursuant to CPLR 3101(h).

10. Documents shall be produced as they are kept in the usual course of business or the documents shall be organized and labeled to correspond to the categories in these requests. In the case of documents that were already produced pursuant to federal, state, local government, or administrative requests, investigations, or subpoenas, those documents should be produced in the same manner as they were previously produced by You.

11. Documents shall be produced in such fashion as to identify the department, branch or office in whose possession it was located and, where applicable, the natural person in whose possession it was found and the business address of each document's custodian(s).

12. You are required to produce the original of each document requested together with all non-identical copies and drafts of each document. If the original of any document cannot be located and/or produced, provide a copy in lieu thereof, which shall be legible and bound or stapled in the same manner as the original, and produce all other non-identical copies that differ from the original and from the other copies produced for any reason, including without limitation, the making of notes thereon.

13. Documents attached to each other in their original form should not be separated when produced. Any attachments to email messages should be produced with, and linked to, the attaching email.

14. All documents shall be Bates stamped and include the following metadata (to the extent applicable):

- a. Document Date:
- b. Document Created Date:
- c. Document Modified Dates:
- d. Time Sent:
- e. To:
- f. From:
- g. Cc:
- h. Bcc:
- i. Subject
- j. Filename

- k. Doctype
- l. Beg Bates
- m. End Bates

15. All spreadsheets, including, without limitation, documents produced using Microsoft Excel, shall be produced in native format.

16. Documents not otherwise responsive to these requests shall be produced if such documents mention, discuss, refer to, or explain the Documents that are called for by these requests, or if such documents are attached to documents called for by the requests and constitute routing slips, transmittal memoranda or letters, comments, evaluations or similar materials.

DOCUMENT REQUESTS

1. All documents—including but not limited to documents produced or deposition testimony in *MBIA Insurance Corp. v. Countrywide Home Loans, Inc., et al.*, Index No. 08/602825 (N.Y. Sup. Ct.)—concerning the following topics:

- a. **Forbearance Agreement.** This includes, but is not limited to, all information concerning the drafting, editing, negotiation, and execution of the Forbearance Agreement.
- b. **Event of Default.** This includes, but is not limited to, all information concerning any Event of Default, including but not limited to, information concerning the prevention, curing, waiving, or tolling of any Event of Default.
- c. **Indemnification.** This includes, but is not limited to, all information concerning any indemnification obligation(s) of the Inside Institutional Investors, the Trustee or You pursuant to the terms of the governing Pooling and Servicing Agreements. This includes, but is not limited to, all information concerning the release or attempted release, or shift or attempted shift, of any such indemnification obligation(s).

- d. **Settlement Payment.** This includes, but is not limited to, all information concerning the negotiation of the Settlement Payment, including but not limited to, information concerning any dollar figure(s) proposed as an alternative to the agreed upon \$8.5 billion Settlement Payment.
- e. **Notice to Certificateholders.** This includes, but is not limited to, all information concerning any Notice to Certificateholders, including but not limited to, all communications in which the Settlement Proponents discussed, discouraged, or attempted to preclude any Notice to Certificateholders.
- f. **The Number of Covered Trusts.** This includes, but is not limited to, all information concerning the number of trusts covered by, or excluded from, the Proposed Settlement or the Settlement Agreement. This information includes, but is not limited to, all deliberations or negotiations concerning which trusts would be covered by, or excluded from, the Proposed Settlement or the Settlement Agreement.
- g. **Attorneys Fees.** This includes, but is not limited to, all information concerning the fees to be paid to counsel for the Inside Institutional Investors in connection with the Proposed Settlement or the Settlement Agreement. This also includes, but is not limited to, all information concerning Your decision to pay any or all of those fees.
- h. **The Proposed Final Order and Judgment.** This includes, but is not limited to, all information concerning drafts of the Proposed Final Order and Judgment, including but not limited to, all information concerning any contemplated or proposed terms of the Proposed Final Order and Judgment.
- i. **Your Liability to the Covered Trusts.** This includes, but is not limited to, all information concerning any analysis or discussion of Your liability as successor to

Countrywide, breaches of representations and warranties, document exceptions, servicing errors, and indemnification of others, including BNYM, with respect to the Covered Trusts. This also includes, but is not limited to, all information concerning reserves, and the amount of reserves taken by You with respect to any potential liability to the Covered Trusts.

2. All documents concerning communications, whether internally at BofA or between You, on the one hand, and any third party other than BNYM² on the other, concerning the topics listed in Request 1.a.-i. This request includes, but is not limited to, hand-written or electronic notes concerning such communications.

3. Documents sufficient to show all business relationships involving two or more corporations or partnerships between You, on the one hand, and BNYM, on the other, between October 19, 2010 and the present, including but not limited to relationships in which BNYM serves or served as a trustee, administrator, and/or agent.

4. A random sample of between 4,630 and 6,470 loan files from the Covered Trusts. For purposes of this request, the term "loan files" means: (i) the loan origination documents, including but not limited to, the credit reports, underwriting work sheets, underwriting exceptions granted, appraisal or valuation results, title commitment and policy, final AUS findings, loan approval, loan application (Form 1008 and all supporting documents), mortgage note, mortgage or deed of trust, mortgage insurance certificate and HUD1; (ii) closing loan tapes, to the extent not publicly available; (iii) loan servicing records, including, but not limited, call notes, foreclosure files including communications with borrowers, loan modifications, and loss

² Third party, as used in this request, includes any experts, accountants or financial advisors retained by You, BNYM, or the Inside Institutional Investors. With respect to communications with the Inside Institutional Investors, the Steering Committee recognizes that the settlement communications dispute is pending before the Court and that a response to a portion of this Request is dependent upon the Court's decision with respect to the discoverability of settlement communications between Bank of America and the Inside Institutional Investors.

mitigation files; and (iv) entries from the PAT/CLAIMS System reflecting external communications relating to a mortgage-insurance claim denial and/or a repurchase demand on the loans.³

5. All documents concerning the allegations contained in numbered paragraphs 1-6, including subparagraphs, on pages 2-4 of the Notice of Non-Performance.

6. All documents concerning Your right and/or option to withdraw from the Settlement Agreement.

7. All documents concerning any portion of the settlement payment You anticipate or estimate will be paid to You, whether directly, indirectly, or by withholding any portion of the settlement payment.

8. For all modifications to loans held by the Covered Trusts, documents sufficient to show the pre- and post- modification (i) interest rate and (ii) outstanding principal balance.

9. All communications between or among You, BNYM and/or the Inside Institutional Investors concerning loan modifications in the Covered Trusts.

10. With respect to loans held by the Covered Trusts that were modified, documents sufficient to identify the mortgagor(s) or other lender(s) holding a mortgage or other lien secured by the same property, and the servicer of such other mortgage loan(s) or lien(s).

11. Documents evidencing the practices, processes, guidelines, or requirements for originating, underwriting, performing due diligence, selling, securitizing, packaging, or bundling (i) loans offered for sale or sold to Government Sponsored Entities and (ii) loans in private label RMBS, including any documents comparing or contrasting the practices, processes, guidelines, or requirements for originating, underwriting, performing due diligence, selling, securitizing,

³ The Steering Committee recognizes that the loan file dispute is pending before the Court and that a response to this Request is dependent upon the Court's decision with respect to that dispute.

packaging, or bundling (i) loans offered for sale or sold to Government Sponsored Entities and (ii) loans in private label RMBS.

12. Documents sufficient to identify the author(s) of the January 27, 2010, February 10, 2010, and April 11, 2010, presentations to Gibbs & Bruns.

13. All re-underwriting reports, analyses, and/or any documents related to re-underwriting conducted by third parties in your possession from litigation involving Countrywide loans, including but not limited to the following cases: *Ambac Assurance Corp. v. Countrywide Home Loans, Inc., et al.*, Index No. 10/651612 (N.Y. Sup. Ct.); *Financial Guaranty Insurance Co. v. Countrywide Home Loans, Inc.*, Index No. 09/650736 (N.Y. Sup. Ct.); *MBIA Insurance Corp. v. Countrywide Home Loans, Inc., et al.*, Index No. 08/602825 (N.Y. Sup. Ct.); *Syncora Guarantee, Inc. v. Countrywide Home Loans, Inc., et al.*, 09/650042 (N.Y. Sup. Ct.); *United Guaranty Mortgage Indemnity Co. v. Countrywide Financial Corp., et al.*, Case No. 09-1888 (C.D. Cal.); and *U.S. Bank, N.A. v. Countrywide Home Loans, Inc., et al.*, Case No. 11-6223 (S.D.N.Y.).

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the NOTICE OF SUBPOENA was served on counsel of record for all parties and proposed intervenors, at the address of their counsel of record, via electronic mail;

On this 14th day of September, 2012.


Jennifer Musgrave

Exhibit 5

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), 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 N.V. (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.

FIRST SET OF DOCUMENT REQUESTS TO OBJECTORS

TO: Federal Home Loan Banks of Boston, Chicago, and Indianapolis, by and through attorneys of record, Derek W. Loeser and David J. Ko, Keller Rohrback LLP, 1201 Third Avenue, Suite 3200, Seattle, Washington 98101.

PLEASE TAKE NOTICE that, pursuant to Article 31 of the New York Civil Practice Law and Rules, you are required to, by May 3, 2013, produce and permit the Institutional Investors, or their undersigned attorneys, or someone acting on their behalf, to inspect and copy at the offices of Gibbs & Bruns LLP, 1100 Louisiana, Suite 5300, Houston, Texas 77002, the

documents and things described in the attached “Exhibit A” which are in your possession, custody, or control.

Dated: March 11, 2013

WARNER PARTNERS, P.C.

By: /s/ Kenneth E. Warner
Kenneth E. Warner
950 Third Avenue, 32nd Floor
New York, New York 10022
Phone: (212) 593-8000

GIBBS & BRUNS LLP
Kathy D. Patrick (*pro hac vice*)
Robert J. Madden (*pro hac vice*)
Scott A. Humphries (*pro hac vice*)
Kate Kaufmann Shih
1100 Louisiana, Suite 5300
Houston, Texas 77002
Phone: (713) 650-8805

Attorneys for Intervenor-Petitioners, BlackRock Financial Management Inc., Kore Advisors, L.P., Maiden Lane, LLC, Maiden Lane II, LLC, Maiden Lane III, LLC, Metropolitan Life Insurance Company, Trust Company of the West and affiliated companies controlled by The TCW Group, Inc., Neuberger Berman Europe Limited, PIMCO Investment Management Company LLC, Goldman Sachs Asset Management, L.P., as adviser to its funds and accounts, Teachers Insurance and Annuity Association of America, Invesco Advisers, Inc., Thrivent Financial for Lutherans, Landesbank Baden-Wuerttemberg, LBBW Asset Management (Ireland) plc, Dublin, ING Bank N.V., ING Capital LLC, ING Investment Management LLC, New York Life Investment Management LLC, as investment manager, Nationwide Mutual Insurance Company and its affiliated companies, 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, Federal Home Loan Bank of Atlanta, Bayerische

*Landesbank, Prudential Investment Management, Inc., and
Western Asset Management Company*

EXHIBIT A

DEFINITIONS AND INSTRUCTIONS

1. “You” and “Your” means each of: Federal Home Loan Bank of Boston, Federal Home Loan Bank of Chicago, and Federal Home Loan Bank of Indianapolis and each entity’s affiliates and subsidiaries.
2. “Article 77 Proceeding” means the above-entitled case pending in the Supreme Court of the State of New York before Justice Kapnick, under Index No. 651786-2011.
3. “Bank of America” means Bank of America Corporation and BAC Home Loans Servicing, LP and their successors and assigns, including their officers, employees, agents, and/or any person or entity acting on their behalf.
4. “BNY Mellon” means The Bank of New York Mellon and its successors and assigns, including its officers, employees, agents, and/or any person or entity acting on its behalf.
5. “Countrywide” means Countrywide Financial Corporation and Countrywide Home Loans, Inc. and their successors and assigns, including their officers, employees, agents, and/or any person or entity acting on their behalf.
6. “Covered Trusts” means the 530 residential mortgage-backed securitization trusts listed on Exhibit A to the Settlement Agreement.
7. “Hearing” means the final hearing on the Settlement, in accordance with the Amended Scheduling Order entered by the Court on February 26, 2013 [Docket No. 526] in the Article 77 Proceeding.
8. “Ineligible Loans” means loans which breach contractual representations and warranties made regarding those loans in Pooling and Servicing Agreements, Indentures, or similar agreements governing RMBS Trusts.
9. “Object” means Your filing of Your Objection.
10. “Objection” means the brief in opposition to the Settlement and notice of Your objection to the Settlement filed by You on or before May 3, 2013, in accordance with the Amended Scheduling Order entered by the Court on February 26, 2013 [Docket No. 526] in the Article 77 Proceeding.
11. “Repurchase and Servicing Claims” means contractual claims associated with breaches of representation and warranties on mortgage loans sold to RMBS Trusts and contractual claims associated with deficient servicing of mortgage loans sold to RMBS Trusts.
12. “RMBS Trusts” means private-label residential mortgage-backed securities trusts.

13. “Settlement” means the Settlement Agreement between BNY Mellon, Bank of America, and Countrywide, executed on June 28, 2011, and all exhibits to the Settlement Agreement.
14. “Settlement Proceeds” means the \$8.5 billion payment to be distributed among the Covered Trusts in accordance with the Settlement.
15. “Document” is defined in the broadest possible sense permissible under applicable laws and/or the CPLR, and shall include, but not be limited to, any type of written, typewritten, printed, recorded, computer generated or graphic materials, however produced or stored, calendars, charges, checks, computer files, e-mails, facsimile transmissions, graphs, journals, letters, memoranda, notes, projections, spreadsheets, summaries or records of telephone or in person communications, voice-mail and all other media of electronic storage and communication. A draft or non-identical copy or copy with marginalia, notes, comments, or annotations of any kind is a separate document within the meaning of this term.
16. Your written responses to these requests should respond separately to each numbered demand for production below by: (1) providing a statement that you have complied (inclusive of Bates ranges) or will comply with the particular demand; or (2) providing a statement that you lack the ability to comply with the particular demand; or (3) providing any objection to the particular demand.
17. If you object to a request for production contained herein, state the basis for your objection with particularity. If you object to part of a request for production contained herein, specify the part to which you object and the basis for your objection with particularity, and answer the unobjectionable part of the request.
18. In producing any Documents requested herein, please furnish all Documents in your possession, custody, or control. “Possession, custody, or control” refers to all Documents, data compilations, tangible things, and other information obtainable by your order or direction, including those you have access to through others from whom you are entitled to receive the information, such as accountants, attorneys, consultants, investigators and any of your other agents, representatives, servants, or employees, or others engaged in any joint enterprise or partnership with you.
19. Every Document produced in response to the requests herein shall be produced in its entirety, without abbreviation, and shall include all attachments and matters affixed thereto, along with any and all drafts of the Document.
20. If you consider any Document falling within any of these requests to be privileged from discovery, you are directed to file and serve at the time you answer these requests for production a privilege log of all Documents withheld from production, identifying each Document as follows: (a) the type of Document; (b) its date; (c) addressor’s or author’s name, title and address; (d) addressee’s name, title and address; (e) the name and address of each other Person to whom a copy of the Document was sent or shown; (f) a

description of the Document, including its general nature or character; (g) the number of pages, the number of attachments or appendices, if any; (h) the present custodian of the document; and (i) the basis on which the Document is considered to be privileged from discovery. Where a requested Document contains allegedly privileged information, you are requested to produce those portions of the Document for which no privilege is claimed and to specifically identify on each such Document where material has been deleted or redacted.

21. If any document responsive to any of these requests was, but is no longer, in your possession or subject to your custody or control, state whether it is (a) missing or lost, (b) has been destroyed, (c) has been transferred, voluntarily or involuntarily to others, or (d) has been otherwise disposed of, and in each instance explain the circumstances surrounding such disposition thereof and state the date or approximate date thereof.
22. These requests for production are deemed continuing. If any information or documents sought by the requests are not learned about, or do not become available until after the requests are answered, or if the answers for any reason should later become incomplete or incorrect, there shall be a continuing duty on your part to supplement or change answers previously submitted pursuant to CPLR 3101(h).
23. Documents shall be produced as they are kept in the usual course of business or the documents shall be organized and labeled to correspond to the categories in these requests. In the case of documents that were already produced pursuant to federal, state, local government, or administrative requests, investigations, or subpoenas, those documents should be produced in the same manner as they were previously produced by You.
24. Documents shall be produced in such fashion as to identify the department, branch or office in whose possession it was located and, where applicable, the natural person in whose possession it was found and the business address of each document's custodian(s).
25. You are required to produce the original of each document requested together with all non-identical copies and drafts of each document. If the original of any document cannot be located and/or produced, provide a copy in lieu thereof, which shall be legible and bound or stapled in the same manner as the original, and produce all other non-identical copies that differ from the original and from the other copies produced for any reason, including without limitation, the making of notes thereon.
26. Documents attached to each other in their original form should not be separated when produced. Any attachments to email messages should be produced with, and linked to, the attaching email.
27. All documents shall be Bates stamped and include the following metadata (to the extent applicable):

- a. Document Date:

- b. Document Created Date:
- c. Document Modified Dates:
- d. Time Sent:
- e. To:
- f. From:
- g. Cc:
- h. Bcc:
- i. Subject
- j. Filename
- k. Doctype
- l. Beg Bates
- m. End Bates

- 28. All spreadsheets, including, without limitation, documents produced using Microsoft Excel, shall be produced in native format.
- 29. Documents not otherwise responsive to these requests shall be produced if such documents mention, discuss, refer to, or explain the Documents that are called for by these requests, or if such documents are attached to documents called for by the requests and constitute routing slips, transmittal memoranda or letters, comments, evaluations or similar materials.

REQUESTS FOR PRODUCTION

You are requested to produce the following:

- 1. All Documents containing information and analyses that were considered by You in deciding to Object to the Settlement.
- 2. All Documents reflecting internal communications and communications with Bank of America, BNY Mellon, or any third party regarding Your decision to Object to the Settlement.
- 3. All Documents reflecting communications between June 1, 2010 and June 28, 2011 between You, on the one hand, and Bank of America, BNY Mellon, or any holder or holders of securities in the Covered Trusts on the other hand, regarding the Covered Trusts.
- 4. All Documents reflecting Your awareness of the press releases and other publicly available information relating to the negotiations which ultimately led to the Settlement.
- 5. All Documents reflecting Your communications between November 18, 2010 and June 28, 2011 concerning the negotiations which ultimately led to the Settlement.

6. All Documents reflecting communications between June 28, 2011 and the present between You, on the one hand, and any intervenor, proposed intervenor, or objector in the Article 77 Proceeding, on the other.
7. All Documents, information, witnesses, testimony, and analyses that You intend to present at the Hearing in support of your Objection to the Settlement.
8. All Documents reflecting Your analysis, assessment, or valuation, if any, of the claims proposed to be released by Paragraph 9 of the Settlement Agreement, including the Repurchase and Servicing Claims.
9. All Documents reflecting Your analysis or assessment, if any, of the number of Ineligible Loans in the Covered Trusts, and Your analysis or assessment, if any, of the realized and projected losses associated with such Ineligible Loans.
10. All Documents reflecting Your analysis or assessment, if any, of the total realized and projected losses incurred, or expected to be incurred, by the Covered Trusts.
11. All Documents reflecting Your analysis or assessment, if any, of potential legal defenses to the Covered Trusts' Repurchase and Servicing Claims against Countrywide or Bank of America, including, without limitation, defenses to claims of successor liability against Bank of America and causation defenses.
12. All Documents reflecting Your analysis or assessment, if any, of Countrywide's financial ability to satisfy a judgment against Countrywide in favor of the Covered Trusts.
13. All Documents reflecting Your analysis or assessment, if any, of the daily, weekly, or monthly cost to the Covered Trusts of delay in the distribution of Settlement Proceeds to the Covered Trusts.
14. All Documents reflecting Your efforts, if any, to resolve Your securities and fraud-related lawsuits and claims against Countrywide or Bank of America, if any, in exchange for Your withdrawal from the Article 77 Proceeding or non-objection to the Settlement.
15. All Documents reflecting Your efforts, if any, to prosecute any of the Covered Trusts' Repurchase or Servicing Claims against Countrywide or Bank of America, including any instructions, directions, or other correspondence You have provided to BNY Mellon in connection with such efforts, whether undertaken derivatively or in coordination with BNY Mellon. This topic excludes any actions occurring within the Article 77 Proceeding.
16. All Documents reflecting Your efforts, if any, to declare an Event of Default relating to any Covered Trust at any time.
17. All Documents reflecting Your efforts, if any, to prosecute the Repurchase or Servicing Claims held by trustees of RMBS Trusts not included among the Covered Trusts,

including any instructions, directions, or other correspondence You have provided to RMBS trustees in connection with such efforts, whether undertaken derivatively or in coordination with the trustees. This topic is not limited to Countrywide-issued RMBS Trusts.

18. Documents sufficient to determine Your holdings of, or control over, securities issued by any of the Covered Trusts, as of June 27, 2011 and the date of Your Objection, including, without limitation, documents, if any, reflecting investment management or advisory agreements governing voting authority with respect to such holdings.

Exhibit 6



Michael A. Rollin
(303) 893-6100
mrollin@rplaw.com

May 27, 2013

Via E-mail

Matthew D. Ingber
Mayer Brown LLP
1675 Broadway
New York, New York 10019

**Re: In re the Application of The Bank of New York Mellon
(Index No. 651786/2011)**

Dear Matt:

I write in response to your designation of portions of Professor John C. Coates' deposition testimony on May 24, 2013. Because we will call Professor Coates to testify at trial, this designation is improper under CPLR 3117.

Although you do not specify which section of CPLR 3117 you rely on, no provision permits the designation of Professor Coates' deposition testimony. Professor Coates is not a party, so Rule 3117(a)(2) plainly does not apply. CPLR 3117(a)(3) is also inapplicable because it applies only to witnesses who are unavailable at the time of trial. *See, e.g., Barnes v. City of N.Y.*, 44 A.D.3d 39, 47 (1st Dep't 2007) ("The tenor of all of CPLR 3117(a)(3) is that a person capable of testifying in person and subject to judicial process or a party's control so as to compel the testimony should be on display before the trier of fact and subjected to the rigors of confrontation and cross-examination.") (quoting Connors, Practice Commentaries, 7B McKinney's Cons. Laws of N.Y., CPLR C3117:8); *Dailey v. Keith*, 306 A.D.2d 815, 815 (4th Dep't 2003) (denying request to introduce deposition testimony under CPLR 3117(a)(3)(ii) "given 'the law's preference for oral testimony in open court'" (quoting Siegel, N.Y. Prac. § 358, at 559). The analogous federal rule has been interpreted the same way. *See Wright & Miller, Fed. Practice & Procedure* § 2146 ("If a nonparty witness is available to testify, the deposition cannot be used in lieu of live testimony . . .").

In light of the above authority and our representation that Professor Coates will give live testimony in this matter, I ask that you withdraw your designation of Professor Coates' deposition testimony. In the event that you do not withdraw your designations and the Court rules the designations will stand, we expressly reserve our right to provide responsive designations of his testimony.

Sincerely,

Michael A. Rollin

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