

At Commercial Division Part 39
Supreme Court of the State of New
York, held in and for the County of
New York, at the Courthouse located at
60 Centre Street, New York, New
York, on the ____ day of _____,
2013

P R E S E N T:

HONORABLE BARBARA R. KAPNICK, J.S.C.

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.
(Part 39)

**ORDER TO SHOW
CAUSE WHY THE
COURT SHOULD NOT
EXCLUDE CERTAIN
EVIDENCE AND
TESTIMONY FROM
TRIAL**

**ORAL ARGUMENT
REQUESTED**

UPON the accompanying Memorandum of Law in Support of the Order to Show Cause
Why the Court Should Not Exclude Certain Evidence and Testimony from Trial, dated May 31,
2013, and the annexed Affirmation of Michael A. Rollin in Support of the Order to Show Cause
Regarding Exclusion of Evidence and Testimony from Trial, dated May 31, 2013, and all
pleadings and proceedings previously had herein,

SUFFICIENT CAUSE THEREFOR BEING ALLEGED, IT IS HEREBY

ORDERED that Petitioners show cause before this Court at Commercial Division Part
39, to be held at 60 Centre Street, New York, New York, on the ____ day of June, 2013 at ____
a.m./p.m., or as soon as counsel may be heard, why an order should not be entered as follows:

- 1) Precluding unsworn testimony by counsel-witnesses;
- 2) Precluding testimony and evidence from the Inside Institutional Investors on topics previously blocked in discovery;
- 3) Precluding argument that all certificateholders not participating in this proceeding support the settlement; and
- 4) Awarding such other and further relief as the Court may deem just and proper.

SUFFICIENT REASON APPEARING THEREFOR, let service of a copy of this Order, together with the papers upon which it was granted, upon counsel for Petitioners, by electronic filing service, and a courtesy copy of the signed order by electronic mail on or before the 31st day of May, 2013, be deemed good and sufficient service. Oral argument is granted on the return date of this motion.

ENTER,

J.S.C.