

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)

- v. -

for an Order, pursuant to CPLR 7701, seeking judicial
instructions and approval of a proposed settlement

Index No. 651786/2011

**AFFIRMATION OF
BETH A. KASWAN**

Assigned to: Hon. Kapnick, J.

The undersigned, Beth A. Kaswan, states the following under penalty of perjury:

1. I am a partner of the law firm of Scott+Scott, Attorneys at Law, LLP, and represent the Policemen's Annuity and Benefit Fund of Chicago ("Chicago Police"), City of Grand Rapids General Retirement System, and City of Grand Rapids Police and Fire Retirement System (collectively the "Public Pension Fund Committee"), who opposes approval of the proposed Settlement in this matter. I also am counsel to the Plaintiffs in *Retirement Board of the Policemen's Annuity and Benefit Fund of the City of Chicago v. Bank of New York Mellon*, Case No. 1:11-civ-05459 (WHP) (S.D.N.Y.) (the "Chicago Police Action"). I make this Affirmation in opposition to the Order to Show Cause issued at Petitioners' request to exclude documents and evidence from collateral lawsuits at the Settlement Hearing.

2. I have knowledge of the proceedings in this Settlement case and in the Chicago Police Action. I have reviewed the docket in the action brought by the S.E.C. against Alfred Mozilo and other defendants (the "Mozilo Action") as well as much of the testimony and documents publicly available from Pacer in that action. I have also reviewed many of the transcripts and documents publicly filed, or unsealed in the latter part of 2012, for the summary judgment motions filed in the MBIA lawsuit against Bank of America (the "MBIA Action").

3. Attached as Ex. A is a true copy of excerpts from the Docket of the Mozilo Action.

4. [REDACTED]
[REDACTED].

5. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6. [REDACTED]
[REDACTED] To the best of my knowledge and belief, this letter was not produced in discovery in this action.

7. [REDACTED]
[REDACTED].

8. [REDACTED]
[REDACTED].

9. [REDACTED]
[REDACTED].

10. [REDACTED]
[REDACTED].

DATED: June 2, 2013
New York, New York

/s/ Beth A. Kaswan
Beth A. Kaswan