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October 3, 2013

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)

Dear Justice Kapnick:

I write on behalf of the Steering Committee in compliance with the Court's request that the parties report on the status of discussions regarding trial brief deadlines and page limits. With respect to deadlines, the parties have agreed to the following schedule:

- Friday, October 11, 2013: Petitioners' opening brief(s) due
- Tuesday, October 29, 2013: Respondents' response brief(s) due
- Wednesday, November 6, 2013: Petitioners' reply brief(s) due

The parties have not reached a consensus on page limits. Based on Petitioners' original representation that they would need 50 pages combined for their opening brief(s) and 30 pages combined for their reply brief(s), Respondents determined that they needed 50 pages for a joint response brief. In addition to the joint brief, a handful of Respondents have discrete issues to address separately, consistent with the pre-trial briefing that occurred in May. The Steering Committee currently understands there may be four such additional briefs, each of which would be subject to the 25-page limit found in Commercial Division Rule 17. While Petitioners apparently do not object to these page limits, they have now stated that they reserve the right to file opening briefs of up to 150 pages in combined length. Petitioners have not explained why they now potentially need triple the originally-requested page count for their opening briefs, particularly when they will have the opportunity to file reply briefs.

The Steering Committee objects to Petitioners filing opening briefs longer than 50 pages combined. To the extent the Court allows Petitioners to do so, we respectfully request a commensurate increase in the page limit for the joint response brief.



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The Steering Committee is available to discuss these issues at the Court's convenience.

Respectfully submitted,

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

Daniel M. Reilly

cc: Counsel of record (via ECF)