

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
IAS Part 39

Assigned to: Kapnick, J.

[PROPOSED]
ORDER

Mot. Seq. 042

Upon the Affirmation of John G. Moon, dated October 29, 2013, and the exhibits annexed thereto, the Memorandum of Law dated October 29, 2013, the pleadings in this action, and all proceedings heretofore had herein, it is hereby

ORDERED that Judgment is granted during Trial in favor of respondents Triaxx Prime CDO 2006-1, Ltd., Triaxx Prime CDO 2006-2, Ltd., and Triaxx Prime CDO 2007-1 pursuant to CPLR 4401; and it is further

ORDERED that Petitioners' Application is denied; and it is further

ORDERED that this Action be dismissed without prejudice.

Barbara R. Kapnick, J.S.C.