

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,

-against-

FEDERAL HOME LOAN BANK OF BOSTON; FEDERAL HOME LOAN BANK OF CHICAGO; FEDERAL HOME LOAN BANK OF INDIANAPOLIS; FEDERAL HOME LOAN BANK OF PITTSBURGH; FEDERAL HOME LOAN BANK OF SAN FRANCISCO; and FEDERAL HOME LOAN BANK OF SEATTLE (proposed intervenor-respondents),

Respondents,

for an order pursuant to CPLR § 7701 seeking judicial instructions and approval of a proposed settlement.

Index No. 651786/2011

Assigned to: Kapnick, J.

**AFFIRMATION OF
DAVID S.
PREMINGER**

DAVID S. PREMINGER, an attorney duly licensed to practice law in the State of New York, affirms under penalty of perjury and says:

1. I am a member of the law firm Keller Rohrback, L.L.P., attorneys of record for proposed intervenors Federal Home Loan Banks of Boston, Chicago and Indianapolis (“FHLB”) in the above captioned action. I am familiar with the proceedings in this case and make this affirmation in support of the application to admit Gary A. Gotto, a partner in Keller Rohrback’s Phoenix, Arizona office, as counsel *pro hac vice* to represent FHLB.

2. I am a member in good standing of the Bar of the State of New York, and was admitted to practice law in 1973.

3. I know from personal experience in working with Mr. Gotto that he is

an attorney of the highest caliber and integrity.

4. As evidenced by Mr. Gotto's Certificate of Good Standing attached to his accompanying affidavit, Mr. Gotto is an active member in good standing in the State Bar of Arizona, having been admitted to practice law in Arizona on October 23, 1982.

5. Mr. Gotto's affidavit states that (a) he is familiar with, and agrees to be bound by, the standards of professional conduct imposed upon members of the New York bar, including the rules of court governing the conduct of attorneys and the Disciplinary Rules of the Code of Professional Responsibility; (b) he acknowledges and agrees that he shall be subject to the jurisdiction of the courts of the State of New York and with respect to any acts occurring during the course of his participation in this matter; (c) there are no disciplinary proceedings pending against him in the State of Arizona or in any other jurisdiction, nor have there ever been any such proceedings brought against him in any jurisdiction; and (d) to the best of his recollection, Mr. Gotto has never previously been admitted *pro hac vice* in this Court.

6. I have been informed that Petitioner The Bank of New York Mellon consents to this application.

WHEREFORE it is respectfully requested that the application to admit Gary A. Gotto *pro hac vice* to represent FHLB in the above captioned matter be granted.

Affirmed this 4th day of August, 2011.



David S. Preminger