

**SUMMARY STATEMENT ON APPLICATION FOR  
EXPEDITED SERVICE AND/OR INTERIM RELIEF**  
(SUBMITTED BY MOVING PARTY)

Date October 7, 2014

Title of Matter In the Matter of the Application of The Bank of New York Mellon Index/Indict # 651786/2011

Appeal by Triaxx from decree  order  judgment  of  Supreme Surrogate's Family  County New York Court entered on February 21, 2014

Name of Judge Barbara R. Kapnick Notice of Appeal filed on March 21, 2014

If from administrative determination, state agency \_\_\_\_\_

Nature of action or proceeding Article 78 Proceeding

Provisions of  order  judgment  decree appealed from All provisions that approve proposed settlement

This application by  appellant  respondent is for withdrawal of appeals and cross-appeals

If applying for a stay, state reason why requested \_\_\_\_\_

Has any undertaking been posted No If "yes", state amount and type \_\_\_\_\_

Has application been made to court below for this relief No If yes, state Disposition \_\_\_\_\_  
Has there been any prior application herein in this court \_\_\_\_\_ If "yes", state dates and nature \_\_\_\_\_

Has adversary been advised of this application Yes Does he/she consent \_\_\_\_\_

Attorney for Movant

Attorney for Opposition

Name John G. Moon

See Service List

Address Miller & Wrubel P.C.

570 Lexington Avenue

New York, NY 10022

Tel. No. 212-336-3507

Appearing by \_\_\_\_\_

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(Do not write below this line)

DISPOSITION

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Justice

Date

Motion Date \_\_\_\_\_ Opposition \_\_\_\_\_ Reply \_\_\_\_\_

EXPEDITE \_\_\_\_\_ PHONE ATTORNEYS \_\_\_\_\_ DECISION BY \_\_\_\_\_

ALL PAPERS TO BE SERVED PERSONALLY.

Court Attorney

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

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.

New York County Clerk's  
Index No. 651786/2011

**NOTICE OF MOTION**  
(Expedited Service)

PLEASE TAKE NOTICE that, upon the Affirmation of John G. Moon, dated October 2, 2014, together with the Summary Statement on Application for Expedited Service and/or Interim Relief, and all proceedings heretofore had here, Triaxx Prime CDO 2006-1, Ltd., Triaxx Prime CDO 2006-2, Ltd., and Triaxx Prime CDO 2007-1 Ltd. (the "Triaxx Entities") will move this Court at the Appellate Division, First Department, 27 Madison Avenue, New York, New York, on the 8th day of October, 2014 at 10:00 a.m., or as soon thereafter as counsel may be heard, for an order withdrawing the appeals and cross-appeals of the Triaxx Entities in this case.

Dated: October 7, 2014

MILLER & WRUBEL P.C.

By: 

John G. Moon  
570 Lexington Avenue  
New York, New York 10022  
212-336-3500

*Attorneys for the Triaxx Entities*

TO: All Counsel of Record

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

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.*

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**AFFIRMATION OF  
JOHN G. MOON IN  
SUPPORT OF MOTION**

John G. Moon, an attorney duly admitted to practice in the State of New York, affirms the truth of the following under penalty of perjury pursuant to CPLR 2106:

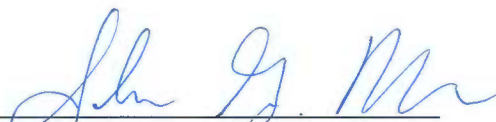
1. I am a member of the bar of the State of New York and a partner in the firm of Miller & Wrubel P.C., attorneys for Respondents-Respondents-Cross-Appellants Triaxx Prime CDO 2006-1, Ltd., Triaxx Prime CDO 2006-2, Ltd., and Triaxx Prime CDO 2007-1 Ltd. (the "Triaxx Entities").

2. I submit this Affirmation in support of the motion of the Respondents-Respondents-Cross-Appellants Triaxx Entities to withdraw their appeals and cross-appeals.

3. In support thereof, on September 30, 2014, the Triaxx Entities noticed the Honorable Justice Saliann Scarpulla for withdrawal from this action with prejudice.

4. As a result, I respectfully request that the Court enter an order withdrawing the appeals and cross-appeals of the Triaxx Entities.

Dated: October 7, 2014

  
\_\_\_\_\_  
John G. Moon