

EXHIBIT 23

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: TRIAL TERM PART 39
- - - - - X
THE BANK OF NEW YORK MELLON (as Trustee under various Pooling and Servicing Agreements and Indenture Trustee under various Indentures), BlackRock Financial Management inc., (Intervenor) Kore Advisors, L.P. (Intervenor), Maiden Lane, LLC (Intevenor) Maiden Lane II, LLC (Intervenor), Maiden Lane III, LLC (Intervenor), Metropolitan Life Insurance Company (Intervenor), Trust Company of the West and affiliated companies controlled by The TCW Group, Inc., (Intervenor), Neuberger Berman Europe Limited (Intervenor), Pacific Investment Management Company LLC (Intervenor) Goldman Sachs Asset Management, L.P. (Intervenor), Teachers Insurance and Annuity Association of America (Intervenor), Invesco Advisers, Inc., (Intervenor), Thrivent Financial for Lutherans (Intervenor), Landesbank Baden Wuerttemberg (Intervenor), LBBW Asset Management (Ireland) plc, Dublin (Intervenor), ING Bank fsb (Intervenor), ING Capital LLC (Intervenor), ING Investment Management LLC (Intervenor), New York Life Investment Management LLC, (Intervenor), Nationwide Mutual Insurance Company and its affiliated companies (Intervenor), AEGON USA Investment Management LLC, authorized signatory for Transamerica Life Insurance Company, AEGON Financial Assurance Ireland Limited, Transamerica Life International (Bermuda) Ltd., Monumental Life Insurance Company, Transamerica Advisors Life Insurance Company, AEGON Global Institutional Markets, plc, LIICA Re II, Inc., Pine Falls Re, Inc., Transamerica Financial Life Insurance Company, Stonebridge Life Insurance Company, and Western Reserve Life Assurance Co. of Ohio (Intervenor), Federal Home Loan Bank of Atlanta (Intervenor), Bayerische Landesbank (Intervenor), Prudential Investment Management, Inc., (Intervenor), and Western Asset Management Company (Intervenor),

PETITIONERS,

- against -

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PROCEEDINGS

WALNUT PLACE LLC, WALNUT PLACE II LLC, WALNUT PLACE III LLC,
WALNUT PLACE IV LLC, WALNUT PLACE V LLC, WALNUT
PLACE VI LLC, WALNUT PLACE VII LLC, WALNUT PLACE
VIII LLC, WALNUT PLACE IX LLC, WALNUT PLACE X LLC,
WALNUT PLACE XI LLC, POLICEMEN'S ANNUITY & BENEFIT
FUND OF CHICAGO AND THE WESTMORELAND COUNTY EMPLOYEE
RETIREMENT SYSTEM, CITY OF GRAND RAPIDS GENERAL
RETIREMENT SYSTEM, CITY OF GRAND RAPIDS POLICE AND
FIRE RETIREMENT SYSTEM, TM1 INVESTORS, LLC, 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, FEDERAL HOME LOAN BANK
OF SEATTLE, and V RE-REMIC, LLC,

PROPOSED INTERVENOR-RESPONDENTS,

For an Order pursuant to CPLR 7701 seeking judicial
instructions and approval of a proposed settlement.

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INDEX NO: 651786/11 60 Centre Street
 New York, New York
 August 5, 2011

BEFORE: BARBARA R. KAPNICK, Justice

APPEARANCES:

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PROCEEDINGS

expert statistician in mortgages, and we asked him to look at the numbers that expert used, and compare them to numbers that are valid in his own experience. His estimate is 112 billion dollars. So, perhaps his report should go on there as well.

But, why should an investor be required to decide whether he objects or not, when there is not only a smattering, but a one sided smattering of information on that website?

Moreover, your Honor, I think, although I think Miss Patrick's comments about indemnity and the like are somewhat beyond the issues of the Court, I think the Court should appreciate, as no one has pointed out to you yet, just how far the Trustee has gone to sacrifice the interests of the investors.

When the Trustee came to your Honor ex parte, there were a lot of things that the Trustee did not tell the Court. They did not tell the Court that there was actually an adverse party to this proceeding. It was the Walnut Place entities that had already filed an action pending before your Honor, the express purpose of which was to stop the settlement which was to extinguish their claims.

In candor, they should have pointed out to the Court there was an adverse party, and had our clients been notified, I could have said to the Court then what I am only