

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT 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-

WALNUT PLACE LLC, *et al.*,

Intervenor- Respondents,

No. 11-CIV-5988 (WHP)

**JOINT MOTION TO
EXTEND EXPERT
DESIGNATION
DEADLINE**

TO THE HONORABLE WILLIAM PAULEY, UNITED STATES DISTRICT JUDGE:

The Court's scheduling order requires that the parties identify their affirmative expert witnesses on February 17, 2012. Counsel for the parties have conferred and are in agreement that an additional thirty day extension of this deadline would benefit the orderly progress of discovery in this matter. Accordingly, the parties request jointly that the Court reset the affirmative expert identification deadline to March 17, 2012.¹ No other deadlines are sought to be extended by this Order. A proposed Order reflecting this change to the scheduling order is attached hereto as Exhibit "A."

¹ This Joint Motion is signed and submitted by the firms serving on the Intervenor-Respondents and Objectors' Steering Committee. The Steering Committee speaks on behalf of the intervenors and objectors except for the Delaware Department of Justice; the New York State Office of the Attorney General; the Federal Housing Finance Agency; the National Credit Union Administration Board. However, the Steering Committee has consulted with the Attorneys General of Delaware and New York, and those parties also agree to the extension sought by this joint motion.

In addition, the Steering Committee has not received an answer from the following entities regarding whether the Committee can act on their behalf, and so does not sign this joint motion on their behalf: Good Hill Partners LP and Stone Creek LLC.

DATED: February 14, 2012

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CERTIFICATE OF SERVICE

This is to certify that on this 14th day of February, 2012, a true and correct copy of the **JOINT MOTION TO EXTEND EXPERT DESIGNATION DEADLINE** was served on all counsel of record via ECF/Pacer.

Dated: February 14, 2012

s/Jennifer Musgrave _____

EXHIBIT A

UNITED STATES DISTRICT COURT
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WALNUT PLACE LLC, *et al.*,

Intervenor- Respondents,

No. 11-CIV-5988 (WHP)

[PROPOSED] REVISED
SCHEDULING ORDER

WILLIAM H. PAULEY III, District Judge:

Counsel for the parties, intervenors, and proposed intervenors having appeared for a November 3, 2011 conference, the following is established on consent:

- (1) This Court will supervise discovery in this action pending a ruling from the Court of Appeals for the Second Circuit;
- (2) The parties shall exchange initial disclosures under Fed. R. Civ. P. 26(a)(1) by November 17, 2011;
- (3) Discovery, including third-party discovery, shall commence on November 17, 2011;
- (4) Barring a showing of extraordinary need, no depositions may be taken until January 17, 2012;
- (5) The parties shall disclose the identities of any experts under Fed. R. Civ. P. 26(a)(2) by March 17, 2012;
- (6) All fact discovery shall be completed by April 17, 2012;

- (7) The parties shall serve any expert reports on issues for which that party bears the burden of proof by May 4, 2012;
- (8) The parties shall serve any responsive expert reports or expert reports for which a party does not bear the burden of proof by May 25, 2012;
- (9) The parties shall serve any rebuttal expert reports by June 1, 2012;
- (10) All expert discovery shall be completed by July 13, 2012; and
- (11) This Court will hold a status conference on July 18, 2012 at 11:00 a.m.

IT IS SO ORDERED.

Dated this _____ day of _____, 2012

The Honorable William H. Pauley III
United States District Court Judge