

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

BARBARA R. KAPNECK

PRESENT: J.S.C.

PART 39

In the Matter of the Application of Justice Bank of New York Mellon et al. v. Commonwealth Advisors

INDEX NO. 651786/11

MOTION DATE

MOTION SEQ. NO. 021

The following papers, numbered 1 to , were read on this motion to/for

Notice of Motion/Order to Show Cause — Affidavits — Exhibits No(s).

Answering Affidavits — Exhibits No(s).

Replying Affidavits No(s).

Upon the foregoing papers, it is ordered that this motion is by Commonwealth Advisors, Inc., for an order permitting it to intervene, is moot, the case having been remanded to Federal Court.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Dated: 10/26/11

Signature of Barbara R. Kapneck, J.S.C.

- 1. CHECK ONE: CASE DISPOSED
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED, DENIED, GRANTED IN PART, OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER, SUBMIT ORDER, DO NOT POST, FIDUCIARY APPOINTMENT, REFERENCE