

WARNER PARTNERS, P.C.

ATTORNEYS AT LAW
950 THIRD AVENUE
NEW YORK, NEW YORK 10022

TELEPHONE
(212) 593-8000

TELECOPIER
(212) 593-9058

KENNETH E. WARNER
RITA WASSERSTEIN WARNER

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OF COUNSEL
JOHN R. CUTI
LEWIS S. FISCHBEIN
ERIC HECKER

BY HAND

Hon. Barbara R. Kapnick
Justice
Supreme Court of the State of New York
60 Centre Street, Part 39
New York, New York 10007

Re: Petition of Bank of New York Mellon (Trustee); Index No. 651786/11

Dear Justice Kapnick:

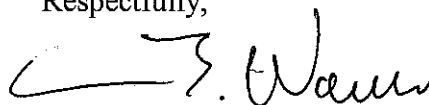
We represent the Institutional Investor Intervenors-Petitioners in this action. We respectfully request that the Court sign the enclosed Unopposed Order of Substitution of ING Bank N.V. in place of Institutional Investor Intervenor ING Bank, fsb.

As set forth in the "Whereas" clauses of the Order, the United States Court of Appeals for the Second Circuit *inter alia* previously granted a motion of ING Bank, fsb for such a substitution simultaneous with its order of remand (*see* Exhibit A to Order). The motion was supported by the February 17 Declaration of Nancy Reinhard (*see* Exhibit B to Order), the Chief Accounting Officer for ING Bank, fsb, attesting that as a result of a corporate re-organization unrelated to these proceedings, ING Bank, fsb assigned to its affiliate, ING Bank N.V., its interests in the securities at issue related to the Settlement Agreement underlying this action, as well as its rights and responsibilities under the Institutional Investor Agreement and in this matter.

Scott Humphries, Esq., co-counsel *pro hac vice* for the Institutional Investors, surveyed all the parties by email regarding the requested substitution, and no party opposed it.

Thank you for your continuing attention to this matter.

Respectfully,



Kenneth E. Warner

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Encl.

cc: All counsel of record (via ECF)