

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

OF COUNSEL

JOHN R. CUTI  
LEWIS S. FISCHBEIN  
ERIC HECKER

April 20, 2012

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:

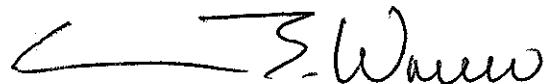
My firm is attorney of record in the above matter, and co-counsel with the firm of Gibbs & Bruns, on behalf of the 22 Institutional Investors, intervenors-petitioners in support of the settlement being proposed by the Trustee.

I am writing with respect to the Attorney General's amended petition for intervention, submitted by Order to Show Cause and returnable April 24. As part of the Attorney General's submission he attached the prior briefing in opposition to his initial petition (including our opposition memo of law). However, we believe it would be a waste of Your Honor's time to read the brief we submitted in opposition to the initial petition -- some of what we previously wrote is now irrelevant (since it addressed the counterclaims that have since been omitted by the Attorney General's office) and we did not have an opportunity to address the Attorney General's new allegations concerning its alleged standing to intervene.

We therefore ask that Your Honor disregard our original memo of law and review instead only the memo we are now submitting in opposition to the Attorney General's newly filed amended petition. A copy of that memo is attached.

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)