



DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

JOSEPH R. BIDEN, III
ATTORNEY GENERAL

CIVIL DIVISION (302) 577-8400
FAX (302) 577-6630
CRIMINAL DIVISION (302) 577-8500
FAX (302) 577-2496
FRAUD DIVISION (302) 577-8600
FAX (302) 577-6499
TTY (302) 577-5783

April 20, 2012

BY ELECTRONIC FILING

Hon. Barbara R. Kapnick
Supreme Court of the State of New York
60 Centre Street, Room 555
New York, NY 10007

**Re: *In the Application of the Bank of New York Mellon, et. al.*
(Index No. 651786/2011, Kapnick, J.)**

Dear Justice Kapnick,

The Delaware Department of Justice (“DDOJ”) writes the Court to endorse the *Amicus Curiae* Memorandum of the New York Attorney General (“NYAG”) filed on April 19, 2012 (the “*Amicus* Memorandum”). The *Amicus* Memorandum was filed in opposition to the Bank of New York Mellon’s April 3, 2012 Motion Regarding The Standard of Review and Scope of Discovery.

Both the DDOJ and the NYAG have moved by orders to show cause for leave to intervene in this proceeding, but are not yet parties to the proceeding. Because issues of importance to the DDOJ and NYAG have been raised by various orders to show cause, the DDOJ and NYAG filed a Stipulation providing for the filing of an *amicus* submission simultaneous with the filing of the *Amicus* Memorandum.

The interests of the DDOJ mirror the interests of the NYAG in filing the *Amicus* Memorandum, and are demonstrated by the Order to Show Cause that was filed by our office on April 13, 2012. The papers supporting our Order to Show Cause set forth the DDOJ’s strong interest in protecting absent Delaware investors, securing the integrity of the marketplace and ensuring the economic well-being of Delaware residents. These interests are directly implicated in this proceeding.

For those reasons, the DDOJ endorses the contents of the *Amicus* Memorandum of the NYAG. The DDOJ stands ready to address these issues in more detail at the status conference on April 24, 2012, or as the Court should further direct.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Gregory Strong", with a stylized flourish extending to the right.

Gregory Strong
Deputy Attorney General
Delaware Department of Justice