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July 31, 2012

VIA FAX and ECF

The Honorable Barbara R. Kapnick  
Supreme Court, New York County  
60 Centre Street, Room 555  
New York, New York 10007

Re: *In re: The Bank of New York Mellon, Index No. 651786/2011*

Dear Justice Kapnick:

We represent Intervenor-Respondents The Western and Southern Life Insurance Company, Western-Southern Life Assurance Company, Columbus Life Insurance Company, Integrity Life Insurance Company, National Integrity Life Insurance Company and Fort Washington Investment Advisors, Inc. (collectively, the "Western & Southern Intervenors"). The Western & Southern Intervenors respectfully request that they be permitted to withdraw as intervenors in this proceeding. An affirmation in support of this request and a proposed order are attached. We respectfully request that the Court enter the proposed order and permit the Western & Southern Intervenors to withdraw in this proceeding.

Respectfully submitted,



Steven S. Fitzgerald

Enclosures

cc: Counsel of record via email and ECF

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the matter of the application of : Index No. 651786/2011  
: :  
THE BANK OF NEW YORK MELLON (as Trustee under: Part 39  
various Pooling and Servicing Agreements and Indenture :  
Trustee under various Indentures), : (Hon. Barbara R. Kapnick)  
: :  
Petitioner, : **AFFIRMATION OF**  
: **STEVEN S. FITZGERALD**  
-against- : **IN SUPPORT OF**  
: **WESTERN & SOUTHERN'S**  
WALNUT PLACE LLC, et al., : **MOTION TO WITHDRAW**  
: :  
Intervenor-Respondents. :  
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I, Steven S. Fitzgerald, hereby affirm under the penalty of perjury that the following is true and correct:

1. I am a member in good standing of the bar of this Court. I am Counsel with Wollmuth Maher & Deutsch LLP, attorneys for The Western and Southern Life Insurance Company, Western-Southern Life Assurance Company, Columbus Life Insurance Company, Integrity Life Insurance Company, National Integrity Life Insurance Company, and Fort Washington Investment Advisors, Inc. (collectively, the "Western & Southern Intervenors"). I offer this affirmation in support of the Western & Southern Intervenors' petition to withdraw from this proceeding.

2. On June 29, 2011, The Bank of New York Mellon ("BNYM") commenced this proceeding by filing a petition pursuant to CPLR section 7701. BNYM is seeking judicial approval of a proposed settlement that it entered into on behalf of 530 trusts for which it serves as trustee.

3. On July 29, 2011, the Western & Southern Intervenors moved by order to show cause for permission to intervene in this action. The Court granted the Western & Southern Intervenors' petition on August 19, 2011.

4. Withdrawal by the Western & Southern Intervenors will not cause prejudice to any party remaining in this proceeding.

5. Accordingly, each of the Western & Southern Intervenors move to withdraw as an Intervenor-Respondent.

6. No previous application has been made for this relief.

Executed this 31<sup>st</sup> day of July 2011 in New York, New York.

  
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Steven S. Fitzgerald

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the matter of the application of	:	Index No. 651786/2011
	:	
THE BANK OF NEW YORK MELLON (as Trustee	:	Part 39
under various Pooling and Servicing Agreements and	:	
Indenture Trustee under various Indentures),	:	(Hon. Barbara R. Kapnick)
	:	
Petitioner,	:	<b>PROPOSED ORDER</b>
	:	
-against-	:	
	:	
WALNUT PLACE LLC, et al.,	:	
	:	
Intervenor-Respondents.	:	
-----	X	

It is hereby ORDERED that The Western and Southern Life Insurance Company, Western-Southern Life Assurance Company, Columbus Life Insurance Company, Integrity Life Insurance Company, National Integrity Life Insurance Company and Fort Washington Investment Advisors, Inc. are permitted to withdraw as Intervenor-Respondents in this proceeding.

ENTER,

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J.S.C.