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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 31st day of July 2011 in New York, New York.



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,	:	PROPOSED ORDER
	:	
-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,

J.S.C.