

**WOLLMUTH MAHER & DEUTSCH LLP**

500 FIFTH AVENUE  
NEW YORK, NEW YORK 10110

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TELEPHONE (212) 382-3300  
FACSIMILE (212) 382-0050

May 15, 2013

BY HAND AND ECF

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 are counsel for Cranberry Park LLC and Cranberry Park II LLC (together, “Cranberry Park”) in this proceeding. As the Court requested, enclosed herewith are courtesy copies of Cranberry Park’s Objection to Proposed Settlement, dated May 3, 2013, and Reply in Further Opposition to Proposed Settlement, dated May 13, 2013.<sup>1</sup>

The Institutional Investors devoted a substantial percentage of their Response to Settlement Objections (“Institutional Investors’ Response”), dated May 13, 2013, to responding to Cranberry Park’s Objection. We will not address the Institutional Investors’ arguments on the merits here. We are constrained, however, to correct several misrepresentations in the Institutional Investors’ Response relating to Cranberry Park’s intent to participate at the trial and make appropriate pre-trial disclosures. The Institutional Investors made the following assertions:

When asked to stand behind its objection, Cranberry Park refused to produce any documents (even those cited *in* its objection), refused to produce a witness to be cross examined about its objection, and announced that it did not intend to call *any* corporate representative or other witness to testify at the final hearing about its objection.

Institutional Investors’ Response at 12 (emphasis in original). That is inaccurate in all respects. Cranberry Park informed counsel for the Institutional Investors that it had not yet determined whether it would call a witness to testify at the upcoming trial, but that if it decided to do so it would make that witness available to be deposed prior to the trial. Cranberry Park will notify the Institutional Investors of its plans in that regard on or before May 21, 2013, the date proposed by the Steering Committee for exchange of trial witness lists. Cranberry Park also informed counsel

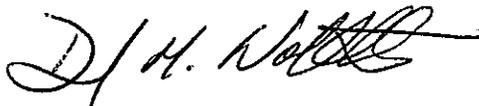
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<sup>1</sup> The enclosed submissions were filed via ECF on May 3, 2013, and May 13, 2013, respectively. Accordingly, they will not be re-filed with the ECF version of this letter.

for the Institutional Investors that if it intended to offer any documents relied on in its Objection (or otherwise) as evidence at the trial it would produce such documents in advance of the trial. Cranberry Park will produce such documents, if any, on or before May 21, 2013, the date proposed by the Steering Committee for production of documents to be used at trial that were not previously produced. Cranberry Park will also produce documents sufficient to show its holdings of securities issued by the Trusts as of May 3, 2013, as requested by the Institutional Investors, on or before this Friday, May 17.

It is unclear to Cranberry Park on what basis the Institutional Investors made the inaccurate assertions discussed above or why they deemed it appropriate to emphasize those assertions without at least seeking clarification from Cranberry Park. In any event, we trust that Cranberry Park's positions are now clear. We appreciate the Court's consideration of this letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. H. Wollmuth", written in a cursive style.

David H. Wollmuth

Enclosures

cc: Counsel of record via ECF (w/o enclosures)