

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the matter of the application of

THE BANK OF NEW YORK MELLON (as
Trustee under various Pooling and Servicing
Agreements and Indenture Trustee under various
Indentures) *et al.*,

Petitioners,

-against-

WALNUT PLACE LLC *et al.*,

Intervenor-Respondents.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/1/11

2011-cv-5988 (WHP)

~~PROPOSED~~ ORDER
TO SHOW CAUSE

Upon the annexed Declaration of Exigency, dated August 31, 2011; the annexed Declaration of Matthew D. Ingber, dated August 31, 2011, together with the exhibits annexed thereto; and the accompanying Memorandum of Law in Support of The Bank of New York Mellon's Motion to Remand, dated August 31, 2011, and sufficient cause appearing thereto, it is

ORDERED, that the Intervenor-Respondents Walnut Place LLC, Walnut Place II LLC, Walnut Place III LLC, Walnut Place IV LLC, Walnut Place V LLC, Walnut Place VI LLC, Walnut Place VII LLC, Walnut Place VIII LLC, Walnut Place IX LLC, Walnut Place X LLC, Walnut Place XI LLC (collectively, "Walnut"), appear before the Honorable William H. Pauley, United States District Judge for the Southern District of New York at the United States Courthouse, 500 Pearl Street, New York, New York, at Room 11D, on September 21, 2011, at 10:30 AM, or as soon thereafter as counsel may be heard, to show cause why an order should not be made and entered pursuant to 28 U.S.C. § 1447(c) remanding the action to the Supreme Court of the State of New York, County of New York, together with an award of attorneys' fees

incurred by Petitioner The Bank of New York Mellon, and for such other and further relief as this Court may deem just and proper; and it is further

ORDERED that the service of a copy of the Proposed Order to Show Cause, together with all supporting papers, which was effectuated by electronic mail upon counsel of record in this proceeding and the matter captioned *In the matter of the application of The Bank of New York Mellon et al.* (Index No. 651786/2011) on August 31, 2011, shall be deemed good and sufficient service thereof; and it is further

ORDERED that counsel for The Bank of New York Mellon shall serve ^{AND file} a copy of this Order by hand delivery or electronic mail upon counsel of record in this proceeding and the matter captioned *In the matter of the application of The Bank of New York Mellon et al.* (Index No. 651786/2011) on or before September 2, 2011, and such service shall be deemed good and sufficient service thereof; and it is further

ORDERED that answering papers, if any, shall be served by hand delivery or electronic mail upon counsel for Petitioner, Mayer Brown LLP, 1675 Broadway, New York, New York 10019, attention Matthew D. Ingber (mingber@mayerbrown.com), on or before September ¹⁴ 2011; and it is further

ORDERED that reply papers, if any, shall be served by hand delivery or electronic mail on counsel for Intervenor-Respondents Walnut on or before September ¹⁶ 2011.

DATED: New York, New York
September 1, 2011


United States District Judge