

**SUMMARY STATEMENT ON APPLICATION FOR  
EXPEDITED SERVICE AND/OR INTERIM RELIEF**  
(SUBMITTED BY MOVING PARTY)

Date 6/17/14  
Index/Indict # 65176/11

Title of Matter Application of Bank New Mellon for Article 77

Appeal by RETIREES from decree order judgment of Supreme Surrogate's Family County New York Court entered on 2/21, 20 14

Name of Judge \_\_\_\_\_ Notice of Appeal filed on 2/21, 20 14

If from administrative determination, state agency N/A

Nature of action or proceeding Article 77

Provisions of order judgment appealed from decree Court's failure ruling that one aspect of the settlement of issue -- regarding loan modification -- was not a reasonable exercise of the Trustee's discretion

This application by appellant respondent is for Briefing schedule - by Duty Judge Preference - By motion panel

If applying for a stay, state reason why requested N/A

Has any undertaking been posted N/A If "yes", state amount and type \_\_\_\_\_

Has application been made to court below for this relief NO If yes, state Disposition N/A

Has there been any prior application herein in this court NO If "yes", state dates and nature N/A

Has adversary been advised of this application Yes Does he/she consent Yes - By cross-appellants. No response from respondents.

Attorney for Movant

Name Dechant LLP  
Address 1095 Ave of America  
New York, NY

Tel. No. \_\_\_\_\_

Appearing by James McFuire  
Mauricio ESPANA

Attorney for Opposition

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Williamson Zanderer  
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212-412-9500

Kenneth E. Adams  
Megan P. Davis

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DISPOSITION

Stip re briefing schedule so ordered by RTA 6/18/14

Motion re preference submitted as below:

Motion Date 6/26/14 Opposition \_\_\_\_\_ Reply \_\_\_\_\_

Justice

6/18/14  
Date

EXPEDITE \_\_\_\_\_ PHONE ATTORNEYS \_\_\_\_\_ DECISION BY \_\_\_\_\_

ALL PAPERS TO BE SERVED PERSONALLY.

EW  
Court Attorney

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST DEPARTMENT

-----X  
In the matter of the application of :  
 : New York County  
 : Index No. 651786/2011  
THE BANK OF NEW YORK MELLON, (as Trustee under :  
various Pooling and Servicing Agreements and Indenture :  
Trustee under various Indentures) et. al., : STIPULATION  
 :  
 :  
Petitioners, :  
 :  
 :  
for an order, pursuant to C.P.L.R. § 7701, seeking judicial :  
instructions and approval of a proposed settlement. :  
-----X

WHEREAS, on February 21, 2014, Appellant/Cross-Respondent The Bank of New York Mellon, as trustee, filed a Notice of Appeal of the Supreme Court's January 31, 2014 Decision/Order/Judgment (the "Decision/Order/Judgment");

WHEREAS, on March 6, 2014, Appellants/Cross-Respondents the Institutional Investors filed a Notice of Appeal of the Decision/Order/Judgment;

WHEREAS, on March 21, 2014, Respondents/Cross-Appellants Triaxx Prime CDO 2006-1, Ltd., Triaxx Prime CDO 2006-2, Ltd., and Triaxx Prime CDO 2007-1, Ltd. (collectively, the "Triaxx Entities") filed a Notice of Cross-Appeal of the Decision/Order/Judgment;

WHEREAS, on March 21, 2014, Respondents/Cross-Appellants American International Group, Inc.; American General Assurance Company, American General Life and Accident Insurance Company; American General Life Insurance Company; American General Life Insurance Company of Delaware; American Home Assurance Company; American International Life Assurance Company of New York; Chartis Property Casualty Company; Chartis Select Insurance Company; Commerce and Industry Insurance Company; First SunAmerica Life Insurance Company; Lexington Insurance Company; National Union Fire Insurance Company of

Pittsburgh, PA; New Hampshire Insurance Company; SunAmerica Annuity and Life Assurance Company; SunAmerica Life Insurance Company; The Insurance Company of the State of Pennsylvania; The United States Life Insurance Company in the City of New York; The Variable Annuity Life Insurance Company; Western National Life Insurance Company (collectively, the "AIG Entities") filed a Notice of Cross-Appeal of the Decision/Order/Judgment;

WHEREAS, on March 21, 2014, Respondents/Cross-Appellants Retirement Board of the Policemen's Annuity & Benefit Fund of the City of Chicago, the City of Grand Rapids General Retirement System, and the City of Grand Rapids Police and Fire Retirement System (collectively, the "Public Pension Funds") filed a Notice of Cross-Appeal of the Decision/Order/Judgment;

WHEREAS, on March 24, 2014, Respondent/Cross-Appellant American Fidelity Assurance Company filed a Notice of Cross-Appeal of the Decision/Order/Judgment;

WHEREAS, on March 24, 2014, Respondents/Cross-Appellants United States Debt Recovery VIII, LP and United States Debt Recovery X, LP (collectively, the "U.S. Debt Recovery Entities") filed a Notice of Cross-Appeal of the Decision/Order/Judgment; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:  
the appeals and cross appeals of the Decision/Order/Judgment shall be briefed in accordance with the following briefing schedule:

- Appellants/Cross-Respondents' opening briefs are due on May 28, 2014;
- Respondents/Cross-Appellants' answering briefs/opening briefs on their respective cross appeals are due on July 17, 2014;
- Appellants/Cross-Respondents' answering briefs/reply briefs are due on September 3, 2014; and

• Respondents/Cross-Appellants' cross-appeal replies are due on September 22.  
Appellants and Cross-Appellants will notice their respective appeals for the October term and Respondents/Cross-Appellants will join in any motion filed by Appellants/Cross-Respondents seeking a preference for oral argument in the October term.

DATED: May 22, 2014

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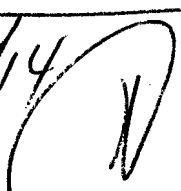
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Company*

SO ORDERED  
6/18/14  
  
**RICHARD T. ANDRIAS**

• Respondents/Cross-Appellants' cross-appeal replies are due on September 22. Appellants and Cross-Appellants will notice their respective appeals for the October term and Respondents/Cross-Appellants will join in any motion filed by Appellants/Cross-Respondents seeking a preference for oral argument in the October term.

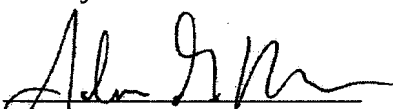
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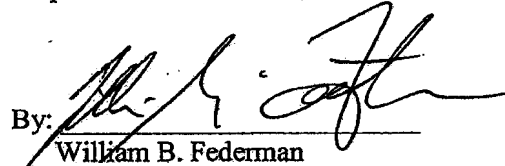
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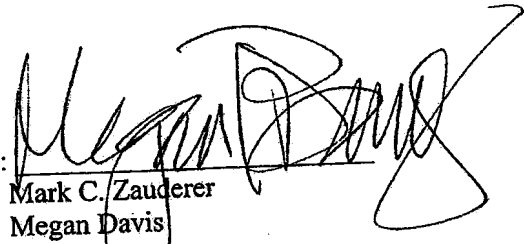
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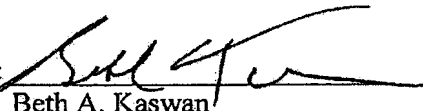
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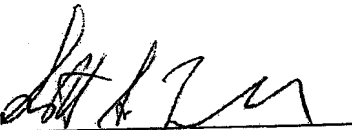
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