

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

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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), :  
BlackRock Financial Management Inc. (intervenor), Kore Advisors, L.P. :  
(intervenor), Maiden Lane, LLC (intervenor), Maiden Lane II, LLC (intervenor), :  
Maiden Lane III, LLC (intervenor), Metropolitan Life Insurance Company :  
(intervenor), Trust Company of the West and affiliated companies controlled by :  
The TCW Group, Inc. (intervenor), Neuberger Berman Europe Limited :  
(intervenor), Pacific Investment Management Company LLC (intervenor), :  
Goldman Sachs Asset Management, L.P. (intervenor), Teachers Insurance and :  
Annuity Association of America (intervenor), Invesco Advisers, Inc. (intervenor), :  
Thrivent Financial for Lutherans (intervenor), Landesbank Baden-Wuerttemberg :  
(intervenor), LBBW Asset Management (Ireland) plc, Dublin (intervenor), ING :  
Bank fsb (intervenor), ING Capital LLC (intervenor), ING Investment :  
Management LLC (intervenor), New York Life Investment Management LLC :  
(intervenor), Nationwide Mutual Insurance Company and its affiliated companies :  
(intervenor), AEGON USA Investment Management LLC, authorized signatory :  
for Transamerica Life Insurance Company, AEGON Financial Assurance Ireland :  
Limited, Transamerica Life International (Bermuda) Ltd., Monumental Life :  
Insurance Company, Transamerica Advisors Life Insurance Company, AEGON :  
Global Institutional Markets, plc, LIICA Re II, Inc., Pine Falls Re, Inc., :  
Transamerica Financial Life Insurance Company, Stonebridge Life insurance :  
Company, and Western Reserve Life Assurance Co. of Ohio (intervenor), Federal :  
Home Loan Bank of Atlanta (intervenor), Bayerische Landesbank (intervenor), :  
Prudential Investment Management, Inc. (intervenor), and Western Asset :  
Management Company (intervenor), :

Index No. 651786/2011

Kapnick, J.

Petitioner, :

for an order, pursuant to CPLR § 7701, seeking judicial instructions and approval :  
of a proposed settlement; :

-against- :

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, on behalf of FORT :  
WASHINGTON ACTIVE FIXED INCOME LLC, (proposed intervenors) :

Respondents. :  
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**THE BANK OF NEW YORK MELLON'S RESPONSE TO  
THE LIFE INSURANCE ENTITIES' PETITION TO INTERVENE**

Petitioner The Bank of New York Mellon (“BNY Mellon” or “Trustee”) submits this response to the Petition To Intervene, dated July 29, 2011, filed by 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, on behalf of Fort Washington Active Fixed Income LLC (collectively, the “Life Insurance Entities”).

The Trustee takes no position with respect to the Life Insurance Entities’ request to intervene as respondents. The Trustee will respond to the objections raised by the Life Insurance Entities at the appropriate time and in accordance with the Court’s June 29, 2011 order.

Dated: New York, New York  
August 4, 2011

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