

At IAS Part 60 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York on the ___ day of _____, 2023

PRESENT : Hon. Melissa Crane, Justice.

In the matter of the application of

WELLS FARGO BANK, NATIONAL ASSOCIATION, U.S. BANK NATIONAL ASSOCIATION, U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, THE BANK OF NEW YORK MELLON, THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., WILMINGTON TRUST, NATIONAL ASSOCIATION, HSBC BANK USA, N.A., and DEUTSCHE BANK NATIONAL TRUST COMPANY (as Trustees, Indenture Trustees, Securities Administrators, Paying Agents, and/or Calculation Agents of Certain Residential Mortgage-Backed Securitization Trusts),

Petitioners,

For Judicial Instructions under CPLR Article 77 on the Distribution of a Settlement Payment.

Index No. 657387/2017

ORDER TO SHOW CAUSE

Upon the annexed Affirmation of Nidhi Nina Yadava, counsel for U.S. Bank National Association and U.S. Bank Trust Company, National Association, sworn to on October 27, 2023 (the “Yadava Affirmation”) and upon the pleadings and proceeding heretofore had herein;

WHEREAS, this Court entered the Decision and Order (NYSCEF No. 843) (the “Merits Ruling”) on February 13, 2020;

WHEREAS, the HBK Parties and Tilden Park appealed from the Merits Ruling, and the Appellate Division of the New York Supreme Court, First Department, affirmed that ruling on August 19, 2021;

WHEREAS, on April 26, 2022, the New York Court of Appeals denied motions seeking permission to appeal to the Court of Appeals on the grounds that “the order sought to be appealed from [did] not finally determine the proceeding;”

WHEREAS, the Court of Appeals subsequently denied motions seeking reargument with respect to those motions for permission to appeal on September 15, 2022;

WHEREAS, the [Proposed] Final Judgment and Order For 20 Trusts That Remain Disputed By Certain Parties (the “Proposed Judgment”), attached as Exhibit 1 to the Yadava Affirmation, applies the Merits Ruling to the remaining 20 disputed Trusts (except insofar as the Merits Ruling did not expressly address the provisions of Paragraphs 7 and 14 of the Proposed Judgment, as set forth therein) to achieve a final determination of this proceeding;

WHEREAS, the parties agree that the Proposed Judgment is not a waiver of any Interested Person’s rights to take an appeal from, or seek further review of the Proposed Judgment, which rights are explicitly preserved by the Proposed Judgment;

LET all parties, or their attorneys, show cause before the Hon. Melissa A. Crane at IAS Part 60, Room 647, of the Supreme Court of the State of New York for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on _____, 2023 at _____ a.m./p.m., or as soon thereafter as counsel can be heard, why an Order should not be made and entered:

- (a) Granting the Proposed Judgment; and
- (b) Granting such other and further relief as this Court deems just and proper.

SUFFICIENT REASON APPEARING THEREFOR, let service of a copy of this Order to Show Cause, together with the papers upon which it is based, be made upon all appearing

counsel for the parties, no later than _____, 2023 by email, and such service shall be deemed sufficient; and it is further

ORDERED that opposition papers, if any, to the entry of said Proposed Judgment are to be served at least two business days prior to the return date of this motion, by e-filing and by email upon all appearing counsel for the parties, and such service shall be deemed sufficient.

ENTER:

HON. MELISSA A. CRANE, J.S.C.