

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

In the matter of the application of

U.S. BANK NATIONAL ASSOCIATION and U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION (each separately as Trustee, Securities Administrator, Paying Agent, and/or Calculation Agent, as applicable, under various Pooling and Servicing Agreements),

Petitioners,

for judicial instructions pursuant to CPLR Art. 77.

Index No. 656028/2021

Justice Andrew S. Borrok
Part 53

**STIPULATION AND
[PROPOSED] MERITS BRIEFING
REVISED SCHEDULING ORDER**

WHEREAS, petitioners U.S. Bank National Association and U.S. Bank Trust Company, National Association (“Petitioners”), solely in their capacities as trustee, securities administrator, paying agent, and/or calculation agent, as applicable, for seventy-seven residential mortgage backed securities trusts (the “Subject Trusts”), filed a petition on October 18, 2021 (NYSCEF Doc. No. 1) and subsequently filed a first amended petition on December 28, 2021 (NYSCEF Doc. No. 33) (the “Amended Petition”); and

WHEREAS, the following certificateholders collectively constitute all interested persons appearing in the proceeding: (a) ASO Atlantic Fund LLC; (b) Ellington Management Group L.L.C.; (c) FFI Fund Ltd., FYI Ltd., and Olifant Fund, Ltd.; (d) HBK Master Fund L.P.; (e) U.S. Bank National Association, solely in its capacity as trustee of NIM trusts BSABS NIM 2003-HE1, BSABS NIM 2004-FR3N, BSABS NIM 2004-HE11, BSABS NIM 2004-HE6N, BSABS NIM 2004-HE9N, BSABS NIM 2005-AQ2N, and BSABS NIM 2005-FR1, and solely at the direction of HBK Master Fund L.P.; (f) NAV LLC, Reliance Standard Life Insurance Co., Safety National Casualty Corporation, and Stephen Finkelstein; (g) Park Royal II LLC, Taconic Master Fund 1.5 LP, and Taconic Opportunity Master Fund LP; (h) Pacific Investment Management Company

LLC, on behalf of certain investment vehicles for which it serves as investment manager, adviser, or sub-adviser; (i) Poetic Holdings 8 LP, Poetic Holdings IX LP, and Poetic Holdings VII LLC; (j) Poetic Holdings VI LLC; and (k) U.S. Bank National Association, solely in its capacity as trustee for the NIM Trusts BSSP 2005-32N, BSNIM 2004-HE10, and BSSP 2006-3, and solely at the direction of Poetic Holdings VI LLC (subparts (a) through (j) collectively, the “Appearing Certificateholders”); and

WHEREAS, the final hearing in this matter is scheduled for the week of December 11-15, 2023;

WHEREAS, on March 16, 2023, the Court entered a case management order (NYSCEF Doc. No. 176) (the “Scheduling Order”) providing that: (1) the parties shall file moving briefs simultaneously on or before April 3, 2023, including expert affidavits if the parties so choose; and (2) the parties shall file responsive briefs simultaneously on or before May 24, 2023, including expert affidavits if the parties so choose;

WHEREAS, several Appearing Certificateholders filed opening merits briefs on April 3, 2023, in accordance with the Scheduling Order; and

WHEREAS, in light of the fact that trial will not be held in this case until December 11-15, 2023 and several conflicts with other matters, including prehearing proceedings in the *In re Wells Fargo* proceeding before this Court, Petitioners and the Appearing Certificateholders have agreed to, and respectfully request, a two-week extension of the deadline for filing responsive merits briefs;

NOW, THEREFORE, on the motion of all appearing parties, it is hereby

ORDERED, ADJUDGED, AND DECREED that the Court-ordered dates shall be modified as follows:

1. The parties shall file responsive briefs simultaneously on or before June 7, 2023, including expert affidavits if the parties so choose.

Dated: New York, New York

May _____, 2023

Hon. Andrew Borrok. J.S.C.

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