

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 (k) 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, the Court scheduled a status conference for June 9, 2023;

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

WHEREAS, on May 9, 2023, the Court granted a joint stipulation to extend the deadline for filing responsive merits briefs to June 7, 2023 (NYSCEF Doc. No. 255);

WHEREAS, one of the Appearing Certificateholders has requested a two-week extension to the responsive merits brief deadline in light of time-sensitive conflicts with other ongoing matters;

WHEREAS, in light of the fact that trial will not be held in this case until December 11-15, 2023, Petitioners and all other Appearing Certificateholders have consented to and do not oppose the extension; and

WHEREAS, Petitioners and the Appearing Certificateholders also respectfully request an adjournment of the status conference currently scheduled for June 9, 2023 to a time convenient for the Court after responsive merits briefs are filed.

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 21, 2023, including expert affidavits if the parties so choose.
2. The status conference currently scheduled for June 9, 2023 is hereby adjourned to \_\_\_\_\_, 2023.

Dated: New York, New York

June \_\_\_\_, 2023

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Hon. Andrew Borrok, J.S.C.

AKIN GUMP STRAUSS HAUER & FELD LLP

By: /s/Uri A. Itkin

Uri A. Itkin

Richard J. D'Amato

Andrew A. McWhorter

One Bryant Park

Bank of America Tower

New York, New York 10036-6745

(212) 872-1000

uitkin@akingump.com

rdamato@akingump.com

amcwhorter@akingump.com

*Attorneys for HBK Master Fund L.P.*

CURTIS, MALLET-PREVOST, COLT & MOSLE LLP

By: Felix J. Gilman / MC

Felix J. Gilman

Donald W. Hawthorne

101 Park Avenue

New York, NY 10178-0061

T: (212) 696-6949

dhawthorne@curtis.com

fgilman@curtis.com

*Attorneys for Poetic Holdings VI LLC*

BAILEY DUQUETTE P.C.

By: David I. Greenberger / MC  
David I. Greenberger, Esq.

104 Charlton Street, Suite 1W  
New York, NY 10014  
(212) 658-1946 x 204  
david@baileyduquette.com

PERRY, JOHNSON, ANDERSON, MILLER & MOSKOWITZ LLP

Isaac M. Gradman (admitted *pro hac vice*)  
E. Page Allinson (admitted *pro hac vice*)  
438 First Street, 4<sup>th</sup> Floor  
Santa Rosa, CA 95401  
(707) 525-8800  
gradman@perrylaw.net  
allinson@perrylaw.net

*Counsel for Ellington Management Group L.L.C.*

GREENE ESPEL PLLP

By: Aaron P. Knoll /MC  
Aaron P. Knoll (admitted *pro hac vice*)

222 S. Ninth Street, Suite 2200  
Minneapolis, MN 55402  
(612) 373-8361  
aknoll@greeneespel.com

GARY GREENBERG, ESQ.

Gary Greenberg  
666 Third Ave., 10th Floor  
New York, NY 10017  
(212) 765-5770  
gg@ggreenberglaw.com

*Attorneys for Poetic Holdings 8 LP, Poetic Holdings IX LP, Poetic Holdings VII LLC*

JONES DAY

By: Nina Yadava /M.C  
Nina Yadava

250 Vesey Street  
New York, NY 10281  
(212) 326-3939  
nyadava@jonesday.com

Joseph B. Sconyers  
Ryan D. Class  
100 High Street, 21<sup>st</sup> Floor  
Boston, MA 02110  
(617) 960-3939  
jsconyers@jonesday.com  
rclass@jonesday.com

Joseph Z Czerwien (*pro hac vice*)  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44144  
(216) 586-3939  
jczerwien@jonesday.com

*Attorneys for Petitioners U.S. Bank National Association and U.S. Bank Trust Company, National Association*



MCKOOL SMITH, P.C.

By: Courtney B. Statfeld / MC  
Courtney B. Statfeld  
Robert W. Scheef  
David I. Schiefelbein

395 9th Avenue, 50th Floor  
New York, NY 10001  
(212) 402-9400  
cstatfeld@mckoolsmith.com  
rscheef@mckoolsmith.com  
dschiefelbein@mckoolsmith.com

*Attorneys for ASO Atlantic Fund LLC*

PATTERSON BELKNAP WEBB &  
TYLER LLP

By: Henry J. Ricardo/MC

Henry J. Ricardo  
Alexander Shapiro  
Peter W. Tomlinson  
Diana M. Conner  
Alvin Li

1133 Avenue of the Americas  
New York, NY 10036-6710  
Tel: (212) 336-2000  
Fax: (212) 336-2222  
hjr Ricardo@pbwt.com  
ashapiro@pbwt.com  
pwtomlinson@pbwt.com  
dconner@pbwt.com  
ali@pbwt.com

*Attorneys for Olifant Fund, Ltd.; FFI Fund Ltd.; FYI Ltd.; Taconic Master Fund 1.5 LP; Taconic Opportunity Master Fund LP; Park Royal II LLC; Reliance Standard Life Insurance Co.; Safety National Casualty Corp.; Stephen Finkelstein; and NAV LLC*

PERKINS COIE LLP

By: Martin E. Gilmore

Martin E. Gilmore

Sean Connery

1155 Avenue of the Americas, 22nd Floor

New York, NY 10036

Tel: (212) 262-6900

mgilmore@perkinscoie.com

sconnery@perkinscoie.com

*Attorneys for 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, and 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.*

WARNER PARTNERS PC

By: Kenneth E. Warner / MC  
Kenneth E. Warner

950 Third Avenue, 32nd Floor  
New York, NY 10022  
Tel: (212) 593-8000  
kwarner@warnerpc.com

GIBBS & BRUNS LLP

David M. Sheeren (*pro hac vice* pending)  
Caitlin Halpern  
1100 Louisiana, Suite 5300  
Houston, TX 77002  
Tel: (713) 650-8805  
dsheeren@gibbsbruns.com  
chalpern@gibbsbruns.com

*Attorneys for PIMCO*