

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.

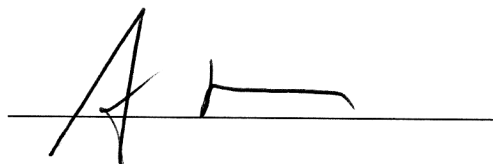
NOW, THEREFORE, on the motion of all appearing parties, it is hereby

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 July 12, 2023. *at 11:30am*

Dated: New York, New York

June 5, 2023

A handwritten signature in dark ink, appearing to be 'A. Borrok', is written over a horizontal line.

Hon. Andrew Borrok. J.S.C.

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