

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] ORDER
EXTENDING PROVISIONAL
SEALING PERIOD**

WHEREAS, on June 30, 2023, the Court entered an order (NYSCEF Doc. No. 286) providing that (1) the provisional sealing period, during which access to certain of the parties' responsive briefs and exhibits (the "Sealed Documents") is temporarily restricted, was extended to July 21, 2023; and (2) any party seeking an order to permanently seal any of the Sealed Documents must file a proposed Order to Show Cause by July 21, 2023; and

WHEREAS, HBK Master Fund, L.P. ("HBK"), one of the Respondents in this proceeding, intends to file a proposed Order to Show Cause to permanently seal certain Sealed Documents that implicate the confidential information of a non-party to this proceeding; and

WHEREAS, the parties are meeting and conferring on the scope of the sealing to be requested in HBK's Order to Show Cause, with the goal of coming to an agreement so that HBK may file its Order to Show Cause unopposed, in the interest of judicial efficiency;

WHEREAS, the parties have agreed on, and respectfully request, a one-week extension of time to complete these meet and confer efforts;

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

ORDERED, ADJUDGED, AND DECREED that the provisional sealing period and the deadline for any party to file a proposed Order to Show Cause to seal any of the Sealed Documents shall be extended to July 28, 2023.

Dated: New York, New York

July ____, 2023

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 / JJY

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 /s/ *David I. Greenberger*
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, 4th 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 /s/sy
Aaron P. Knoll (admitted *pro hac vice*)

222 S. Ninth Street, Suite 2200
Minneapolis, MN 55402
(612) 373-8361
aknoll@greeneespe.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 1JJY
Nina Yadava

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

Joseph B. Sconyers
Ryan D. Class
100 High Street, 21st 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 /JJY

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
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 1334
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 1/3/14
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