NYSCEF DOC. NO. 313

INDEX NO. 656028/2021 RECEIVED NYSCEF: 07/28/2023

EXHIBIT A

NYSCEF DOC. NO. 313

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

In the Matter of the Application of U.S. BANK NATIONAL ASSOCIATION (as Trustee, Securities Administrator, Paying Agent, and/or Calculation Agent under various Pooling and Servicing Agreements), IAS Part 53

Petitioner,

For Judicial Instructions Under CPLR Article 77.

AFFIDAVIT OF INTEX SOLUTIONS, INC. IN SUPPORT OF <u>HBK MASTER FUND, L.P.'S ORDER TO SHOW CAUSE</u>

George Jigarjian, being duly sworn, deposes and says:

1. I am the President of Intex Solutions, Inc. ("Intex"). I submit this affidavit in

support of HBK Master Fund, L.P.'s ("HBK") Order to Show Cause to permanently seal

NYSCEF No. 270 and file redacted copies of NYSCEF Nos. 268 and 278, which refer to

NYSCEF No. 270. I make the statements in this affidavit based upon my personal knowledge

and belief, including based on discussions with other personnel at Intex.

2. Intex is a commercial software provider of structured fixed-income cashflow

models and related analytical software. Intex software is used by investors and others to forecast future cashflows for Residential Mortgage-Backed Security ("RMBS") certificates and other asset-backed securities. It allows users to apply various scenarios based on variables including default and prepayment rates to Intex's cashflows models and software.

3. Intex's proprietary software is not available to the general public. Those who wish to use Intex's software may only obtain access to it by licensing it from Intex and paying an initial licensing fee and monthly licensing fees.

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4. When a RMBS trust is first created and marketed, the trust's dealer may use its licensed Intex software to create data files, called "CDI files," to be sent to potential investors who also have a license to use the Intex software, along with other marketing materials. The CDI files reflect the trust's payment waterfall in order to generate forecasted cashflows to the various certificate classes in that trust. Using the CDI files, Intex software can generate projected cashflows for each certificate class based on various assumptions inputted by the potential investor.

5. CDI files contain Intex's proprietary modeling language, are designed for use with Intex's proprietary software, and are intended for the sole and exclusive use of paying licensees of Intex's software. Intex does not make its CDI files available to the general public.

6. Intex has been informed that, when certain trusts at issue in this case first came to market, HBK received marketing materials from Bear, Stearns & Co. Inc., the dealer for those trusts, and that those materials included CDI files. Intex has also been informed that another party in this case filed one of the CDI files with the Court as an exhibit to its merits briefing. *See* NYSCEF No. 270.

7. Public disclosure of this CDI file and its contents would reveal Intex's proprietary software code and models to the public eye, which could significantly harm Intex's competitive advantage and business. Intex has invested decades of man hours developing its proprietary modeling language and this CDI file contains that Intex proprietary modeling language. I therefore respectfully request, on behalf of Intex, that the Court permanently seal the CDI file and any substantive discussions of it or its contents.

8. I reserve the right to amend or supplement this Affidavit.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

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Dated: July 20, 2023

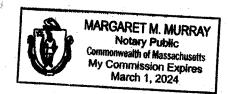
George Jigarjian

President Intex Solutions, Inc.

Sworn to before me on this 20th day of July, 2023

M. Aunaez Notary

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CERTIFICATE OF COMPLIANCE

This affidavit complies with this Court's 7,000-word limit because it contains 493 words

(using the "word count" function of Microsoft Word), excluding the parts of the affidavit

exempted by Rule 17 of the New York Commercial Division Rules.

Dated: July 28, 2023 New York, New York <u>/s/ Uri A. Itkin</u> Uri A. Itkin