

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]  
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., Olifant Fund, Ltd., Park Royal II LLC, Taconic Master Fund 1.5 LP, and Taconic Opportunity Master Fund LP; (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 September 27, 2023, the parties filed a stipulation and proposed order setting a pretrial schedule, including that any motions in limine will be filed on or before October 18, 2023 and that papers opposing motions in limine will be filed on or before October 27, 2023;

WHEREAS, on October 18, 2023, the Court held a pretrial conference in another RMBS matter, *In the Matter of the Application of Wells Fargo Bank, National Association*, Index No. 154984/2021, and indicated that it plans to issue an order on the motions in limine no later than Monday, October 23, 2023;

WHEREAS, Petitioners and the Appearing Certificateholders have agreed to the proposed modifications herein to the pretrial schedule, as set forth below; and

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

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

1. The parties shall file motions in limine on or before Wednesday, October 25, 2023.
2. The parties shall file responses to the motions in limine on or before Monday, October 30, 2023.

Dated: New York, New York

\_\_\_\_\_, 2023

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Hon. Andrew Borrok. J.S.C.

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