

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

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In the Matter of the Application of :
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: Index No. 656028/2021
U.S. Bank National Association (as Trustee, :
Securities Administrator, Paying Agent, and/or : Assigned to: Borrok, J.
Calculation Agent under various Pooling and :
Servicing Agreements), : INITIAL STATEMENT AND
: ANSWER OF PACIFIC
Petitioner, : INVESTMENT MANAGEMENT
: COMPANY LLC (PIMCO) TO
for judicial instructions pursuant to CPLR Article 77. : THE PETITION
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Pursuant to the Court’s November 16, 2021 Order to Show Cause, Pacific Investment Management Company LLC (“PIMCO”), in its capacity as authorized investment adviser or manager for certain funds and accounts, hereby provides notice of its intent to appear in connection with PIMCO’s interests in fifty-one of the seventy-seven trusts implicated by the Petition (the “Trusts”).¹

PIMCO further states that, as a general matter under the Pooling and Servicing Agreements (“PSAs”) for the Trusts, all certificates to which realized losses have been allocated in connection

¹ These trusts are: BSABS 2004-FR1, BSABS 2004-FR3, BSABS 2004-HE10, BSABS 2004-HE11, BSABS 2004-HE5, BSABS 2004-HE6, BSABS 2004-HE7, BSABS 2004-HE9, BSABS 2005-AQ1, BSABS 2005-AQ2, BSABS 2005-CL1, BSABS 2005-EC1, BSABS 2005-FR1, BSABS 2005-HE1, BSABS 2005-HE10, BSABS 2005-HE11, BSABS 2005-HE12, BSABS 2005-HE2, BSABS 2005-HE3, BSABS 2005-HE4, BSABS 2005-HE5, BSABS 2005-HE6, BSABS 2005-HE7, BSABS 2005-HE8, BSABS 2005-HE9, BSABS 2006-AQ1, BSABS 2006-EC1, BSABS 2006-EC2, BSABS 2006-HE1, BSABS 2006-HE10, BSABS 2006-HE2, BSABS 2006-HE3, BSABS 2006-HE4, BSABS 2006-HE5, BSABS 2006-HE6, BSABS 2006-HE7, BSABS 2006-HE8, BSABS 2006-HE9, BSABS 2006-PC1, BSABS 2007-AQ1, BSABS 2007-AQ2, BSABS 2007-FS1, BSABS 2007-HE1, BSABS 2007-HE2, BSABS 2007-HE3, BSABS 2007-HE4, BSABS 2007-HE5, BSABS 2007-HE6, BSABS 2007-HE7, SACO 2006-4, SACO 2006-5.

with principal forbearance modifications must be made whole to the extent that such forborne principal is paid by the borrowers to the Trusts. PIMCO expressly preserves all arguments, including (without limitation) that Petitioner's prior realized loss allocation practices, loss reversal practices, certificate write-up practices, and/or excess cashflow distribution practices failed to comply with the terms of the PSAs. PIMCO reserves all rights and remedies in this regard.

As in prior Article 77 Proceedings, PIMCO further requests the opportunity to fully brief the issues set forth in the Petition, to fully participate in any discovery that takes place, and to otherwise fully participate in this Article 77 Proceeding as an Interested Person pursuant to the Court's November 16, 2021 Order to Show Cause.

Dated: New York, New York
January 18, 2022

WARNER PARTNERS, P.C.

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