

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 Borrok

IAS Part 53

**STIPULATION AND [PROPOSED]
ORDER**

WHEREAS, on July 24, 2025, the Court held a conference concerning a potential appeal of the Court's July 21, 2025 Post-Trial Decision and Order (the "Wells Decision") in the case captioned *Wells Fargo Bank, National Association v. All Respondents for this Special Proceeding* (Index No. 154984/2021) (the "Wells Case"); and

WHEREAS, during the conference certain parties confirmed that they may appeal the Wells Decision (the "Wells Appeal") to the Appellate Division, First Department ("First Department") and acknowledged that the resolution of the Wells Appeal may have a material impact on the issues in this case; and

WHEREAS, on July 25, 2025, the Court entered a Case Scheduling Order (NYSCEF Doc. No. 373) directing the parties in this case to submit a stipulation indicating that this case should be stayed upon full submission of the appellate briefing of the Wells Appeal by a date acceptable to this Court;

WHEREAS, the parties in this case who are also parties in the Wells Case (the "Wells Appealing Parties") conferred with other parties in the Wells Case, and the other parties in this

case, and reached consensus in connection with the scheduling of the Wells Appeal due to pre-existing commitments in other cases.

NOW, THEREFORE, the below-referenced parties, by and through their counsel, stipulate and agree as follows:

1. This case shall be stayed pending the outcome of the Wells Appeal as long as the Wells Appealing Parties will perfect the Wells Appeal for the January 2026 term, in accordance with the First Department's calendar, without any extensions.
2. Specifically, Appellants' Points and Notes of Issue are due no later than November 10, 2025.
3. Respondents' Points are due no later than December 10, 2025.
4. Appellants' Reply Points are due no later than December 19, 2025.
5. The Court will lift the stay of this case if any of the dates in this Stipulation are not strictly adhered to by the Wells Appealing Parties and any other parties participating in the Wells Appeal.
6. All parties appearing in this case will email Part 53 to schedule a pretrial conference in this case within 2 business days of the date upon which any date in the stipulation is missed or the date upon which the oral argument is scheduled by the First Department, requesting that the pretrial conference be held six weeks following such date.

Dated: August 4, 2025
New York, New York

ENTERED:

Hon. Andrew Borrok, J.S.C.

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