

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

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In the matter of the application of	:
	:
THE BANK OF NEW YORK MELLON,	:
(as Trustee under various Pooling and Servicing	:
Agreements and Indenture Trustee under various	:
Indentures),	:
	:
Petitioner,	:
	:
for an order, pursuant to CPLR § 7701, seeking	:
judicial instructions and approval of a proposed	:
settlement.	:
-----X	

Index No. 651786/2011  
**STATEMENT IN  
SUPPORT OF REQUEST  
FOR ASSIGNMENT TO  
COMMERCIAL DIVISION**

Matthew D. Ingber, a member of Mayer Brown LLP, counsel for The Bank of New York Mellon (“BNY Mellon”), the Petitioner in this matter, submits this Statement and the accompanying copy of the pleadings, pursuant to Section 202.7(d)(2) of the Uniform Rules for the Trial Courts, in support of BNY Mellon’s request for the assignment of this matter to the Commercial Division of this Court.

(1) I have reviewed the standards for assignment of cases to the Commercial Division set forth in Section 202.70. This case meets those standards. I therefore request that this case be assigned to the Commercial Division.

(2) The sums at issue in this case (exclusive of punitive damages, interest, costs, disbursements, and counsel fees claimed) are equal to or in excess of the monetary threshold of the Commercial Division in this county as set out in Section 202.70(a) in that Petitioner seeks judicial instructions and approval of an \$8.5 billion settlement.

(3) This case falls within the standards set out in Section 202.70(b) and does not come within the groups of cases set out in Section 202.70(c) that will not be heard in the Division, in

that Petitioner seeks to settle claims arising out of contracts and business dealings with commercial banks and other financial institutions.

Dated: June 28, 2011  
New York, New York

Respectfully submitted,

MAYER BROWN LLP

By:   
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*Attorneys for Petitioner  
The Bank of New York Mellon*