

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)

For Court Clerk Use Only:

IAS Entry Date

Judge Assigned

RJI Date

Supreme COURT, COUNTY OF New York

Index No: _____ Date Index Issued: _____

CAPTION: Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

In the Matter of the Application of THE BANK OF NEW YORK MELLON, in its Capacity as Trustee for 278 Residential Mortgage-Backed Securitization Trusts

Plaintiff(s)/Petitioner(s)

-against-

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING: Check ONE box only and specify where indicated.

MATRIMONIAL

- Contested
- NOTE:** For all Matrimonial actions where the parties have children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum**. For Uncontested Matrimonial actions, use RJI form UD-13.

TORTS

- Asbestos
- Breast Implant
- Environmental: _____ (specify)
- Medical, Dental, or Podiatric Malpractice
- Motor Vehicle
- Products Liability: _____ (specify)
- Other Negligence: _____ (specify)
- Other Professional Malpractice: _____ (specify)
- Other Tort: _____ (specify)

OTHER MATTERS

- Certificate of Incorporation/Dissolution [see NOTE under Commercial]
- Emergency Medical Treatment
- Habeas Corpus
- Local Court Appeal
- Mechanic's Lien
- Name Change
- Pistol Permit Revocation Hearing
- Sale or Finance of Religious/Not-for-Profit Property
- Other: _____ (specify)

COMMERCIAL

- Business Entity (including corporations, partnerships, LLCs, etc.)
- Contract
- Insurance (where insurer is a party, except arbitration)
- UCC (including sales, negotiable instruments)
- Other Commercial: _____ (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the **COMMERCIAL DIV RJI Addendum**.

REAL PROPERTY: How many properties does the application include? _____

- Condemnation
- Mortgage Foreclosure (specify): Residential Commercial
- Property Address: _____
Street Address City State Zip
- NOTE:** For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the **FORECLOSURE RJI Addendum**.
- Tax Certiorari - Section: _____ Block: _____ Lot: _____
- Tax Foreclosure
- Other Real Property: _____ (specify)

SPECIAL PROCEEDINGS

- CPLR Article 75 (Arbitration) [see NOTE under Commercial]
- CPLR Article 78 (Body or Officer)
- Election Law
- MHL Article 9.60 (Kendra's Law)
- MHL Article 10 (Sex Offender Confinement-Initial)
- MHL Article 10 (Sex Offender Confinement-Review)
- MHL Article 81 (Guardianship)
- Other Mental Hygiene: _____ (specify)
- Other Special Proceeding: CPLR Article 77 _____ (specify)

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for EVERY question AND enter additional information where indicated.

- | | YES | NO | |
|--|-----------------------|----------------------------------|------------------------------|
| Has a summons and complaint or summons w/notice been filed? | <input type="radio"/> | <input checked="" type="radio"/> | If yes, date filed: _____ |
| Has a summons and complaint or summons w/notice been served? | <input type="radio"/> | <input checked="" type="radio"/> | If yes, date served: _____ |
| Is this action/proceeding being filed post-judgment? | <input type="radio"/> | <input checked="" type="radio"/> | If yes, judgment date: _____ |

NATURE OF JUDICIAL INTERVENTION: Check ONE box only AND enter additional information where indicated.

- Infant's Compromise
- Note of Issue and/or Certificate of Readiness
- Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: _____
- Notice of Motion Relief Sought: _____ Return Date: _____
- Notice of Petition Relief Sought: _____ Return Date: _____
- Order to Show Cause Relief Sought: Hearing Return Date: _____
- Other Ex Parte Application Relief Sought: _____
- Poor Person Application
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Writ of Habeas Corpus
- Other (specify): _____

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RJI Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the RJI Addendum.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:				Issue Joined (Y/N):	Insurance Carrier(s):
	List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.					
<input type="checkbox"/>	The Bank of New York Mellon Last Name First Name Primary Role: Petitioner Secondary Role (if any):	Ingber Last Name Mayer Brown LLP Firm Name 1221 Avenue of the Americas Street Address +1 (212) 506-2378 Phone	Matthew D. First Name New York City New York State 10020 Zip mingber@mayerbrown.com e-mail			<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name Firm Name Street Address City Phone Fax	First Name Firm Name City State Zip e-mail			<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name Firm Name Street Address City Phone Fax	First Name Firm Name City State Zip e-mail			<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name Firm Name Street Address City Phone Fax	First Name Firm Name City State Zip e-mail			<input type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 01/24/2019

SIGNATURE

Matthew D. Ingber

2964666

ATTORNEY REGISTRATION NUMBER

PRINT OR TYPE NAME

Print Form

SUPREME COURT OF THE STATE OF NEW YORK

UCS-840C 3/2011

COUNTY OF New York

Index No. _____

In the Matter of the Application of THE BANK OF NEW YORK MELLON, in its Capacity as Trustee for 278 Residential Mortgage-Backed Securitization Trusts -against- Plaintiff(s)/Petitioner(s)

RJI No. (if any) _____

Defendant(s)/Respondent(s)

COMMERCIAL DIVISION Request for Judicial Intervention Addendum

COMPLETE WHERE APPLICABLE [add additional pages if needed]:

Plaintiff/Petitioner's cause(s) of action [check all that apply]:

- Checkboxes for various causes of action: Breach of contract, Transactions governed by the Uniform Commercial Code, etc. X Business transactions involving or arising out of dealings with commercial banks and other financial institutions

Plaintiff/Petitioner's claim for compensatory damages [exclusive of punitive damages, interest, costs and counsel fees claimed]:

\$ _____

Plaintiff/Petitioner's claim for equitable or declaratory relief [brief description]:

The Bank of New York Mellon, as trustee for 278 Residential Mortgage-Backed Securitization Trusts, seeks a construction of the trust agreement (the "PSA"). Each month the Trustee distributes pavements to various classes of certificate holders within each trust. Certain certificate holders have objected to the Trustee's method of calculating these distributions. The Trustee seeks instruction concerning the proper calculation method for distribution of payment to certificate holders.

Defendant/Respondent's counterclaim(s) [brief description, including claim for monetary relief]:

[Empty box for counterclaim description]

I REQUEST THAT THIS CASE BE ASSIGNED TO THE COMMERCIAL DIVISION. I CERTIFY THAT THE CASE MEETS THE JURISDICTIONAL REQUIREMENTS OF THE COMMERCIAL DIVISION SET FORTH IN 22 NYCRR § 202.70(a), (b) AND (c).

Dated: 01/24/2019

[Handwritten signature]

SIGNATURE

Matthew D. Ingber

PRINT OR TYPE NAME

SUPREME COURT OF THE STATE OF NEW YORK

UCS-840C
3/2011

COUNTY OF New York

Index No. _____

In the Matter of the Application of THE BANK OF NEW YORK MELLON,
in its Capacity as Trustee for 278 Residential Mortgage-Backed Securitization
Trusts
-against- Plaintiff(s)/Petitioner(s)

RJI No. (if any) _____

COMMERCIAL DIVISION
Request for Judicial Intervention Addendum

Defendant(s)/Respondent(s) _____

COMPLETE WHERE APPLICABLE [add additional pages if needed]:

Plaintiff/Petitioner's cause(s) of action [check all that apply]:

- Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g. unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g. sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)
- Transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units)
- Transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only
- Shareholder derivative actions — without consideration of the monetary threshold
- Commercial class actions — without consideration of the monetary threshold
- Business transactions involving or arising out of dealings with commercial banks and other financial institutions
- Internal affairs of business organizations
- Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters
- Environmental insurance coverage
- Commercial insurance coverage (e.g. directors and officers, errors and omissions, and business interruption coverage)
- Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures — without consideration of the monetary threshold
- Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues — without consideration of the monetary threshold

Plaintiff/Petitioner's claim for compensatory damages [exclusive of punitive damages, interest, costs and counsel fees claimed]:

\$ _____

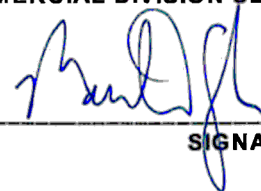
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SIGNATURE

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