

Supreme Court of the State of New York

Appellate Division: First Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

THE BANK OF NEW YORK MELLON, in its Capacity as Trustee for 278 Residential Mortgage-Backed Securitization Trusts),
Petitioner,

- against -

For Judicial Instructions under CPLR Article 77 Concerning the Proper Pass-Through Rate Calculation for CWALT Interest Only Senior Certificates.

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

Case Type

- | | |
|------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Civil Action | <input type="checkbox"/> CPLR article 78 Proceeding |
| <input type="checkbox"/> CPLR article 75 Arbitration | <input checked="" type="checkbox"/> Special Proceeding Other |
| | <input type="checkbox"/> Habeas Corpus Proceeding |

Filing Type

- | | |
|-------------------------------------------------------|-------------------------------------------------|
| <input checked="" type="checkbox"/> Appeal | <input type="checkbox"/> Transferred Proceeding |
| <input type="checkbox"/> Original Proceedings | <input type="checkbox"/> CPLR Article 78 |
| <input type="checkbox"/> CPLR Article 78 | <input type="checkbox"/> Executive Law § 298 |
| <input type="checkbox"/> Eminent Domain | <input type="checkbox"/> CPLR 5704 Review |
| <input type="checkbox"/> Labor Law 220 or 220-b | |
| <input type="checkbox"/> Public Officers Law § 36 | |
| <input type="checkbox"/> Real Property Tax Law § 1278 | |

Nature of Suit: Check up to three of the following categories which best reflect the nature of the case.

<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Contracts
<input checked="" type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Appeal	
Paper Appealed From (Check one only):	If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.
<input type="checkbox"/> Amended Decree <input type="checkbox"/> Amended Judgement <input type="checkbox"/> Amended Order <input checked="" type="checkbox"/> Decision <input type="checkbox"/> Decree	<input type="checkbox"/> Determination <input type="checkbox"/> Finding <input type="checkbox"/> Interlocutory Decree <input type="checkbox"/> Interlocutory Judgment <input type="checkbox"/> Judgment <input checked="" type="checkbox"/> Order <input type="checkbox"/> Order & Judgment <input type="checkbox"/> Partial Decree <input type="checkbox"/> Resettled Decree <input type="checkbox"/> Resettled Judgment <input type="checkbox"/> Resettled Order <input type="checkbox"/> Ruling <input type="checkbox"/> Other (specify):
Court: Supreme Court	County: New York
Dated: 05/29/2020	Entered: 5/29/2020
Judge (name in full): Hon. Joel M. Cohen	Index No.: 150738/2019
Stage: <input type="checkbox"/> Interlocutory <input checked="" type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury
Prior Unperfected Appeal and Related Case Information	
Are any appeals arising in the same action or proceeding currently pending in the court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please set forth the Appellate Division Case Number assigned to each such appeal. Silian Ventures LLC filed a notice of appeal on 6/29/20. No case number has been assigned. Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:	
Original Proceeding	
Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus	Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:	
Proceeding Transferred Pursuant to CPLR 7804(g)	
Court: Choose Court	County: Choose County
Judge (name in full):	Order of Transfer Date:
CPLR 5704 Review of Ex Parte Order:	
Court: Choose Court	County: Choose County
Judge (name in full):	Dated:
Description of Appeal, Proceeding or Application and Statement of Issues	
Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed. This appeal is taken from the May 29, 2020 Decision and Order of the Supreme Court of the State of New York, New York County (Cohen, J.), entered on May 29, 2020. That order granted The Bank of New York Mellon's ("BNYM") petition under CPLR Article 77 for judicial instructions, finding that (1) BNYM has correctly used the "dynamic" method, as opposed to the "static" method, in calculating the Pass-Through Rate payable to interest-only certificates, and (2) BNYM has correctly performed the calculation of that rate at the loan level, as opposed to the pool level.	

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

Respondents-Cross-Appellants American General Life Insurance Company, American Home Assurance Company, American International Reinsurance Company, Ltd., Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, Pa., The United States Life Insurance Company in the City of New York, and The Variable Annuity Life Insurance Company (collectively, "AIG"), and Tilden Park Investment Master Fund LP, Tilden Park Management I LLC, and Tilden Park Capital Management LP (collectively, "Tilden Park") appeal from all aspects of the IAS Court's May 29, 2020 Order that were decided adversely to AIG and Tilden Park, without limitation of grounds or arguments. In particular, the IAS Court erred in holding that BNYM has correctly performed the calculation of the Pass-Through Rate at the loan level. The trusts' governing agreements require BNYM to perform a pool-level calculation.

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	See attached addendum		
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Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: See attached addendum

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: [] Retained [] Assigned [] Government [] Pro Se [] Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: [] Retained [] Assigned [] Government [] Pro Se [] Pro Hac Vice

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E-mail Address:

Attorney Type: [] Retained [] Assigned [] Government [] Pro Se [] Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

ADDENDUM**Party Information**

The Respondent-Appellant in this proceeding is Silian Ventures LLC.

The Respondents-Cross-Appellants in this proceeding are:

- American General Life Insurance Company
- American Home Assurance Company
- American International Reinsurance Company, Ltd.
- Lexington Insurance Company
- National Union Fire Insurance Company of Pittsburgh, Pa.
- The United States Life Insurance Company in the City of New York
- The Variable Annuity Life Insurance Company
- Tilden Park Investment Master Fund LP
- Tilden Park Management I LLC
- Tilden Park Capital Management LP

The Petitioner in this proceeding is The Bank of New York Mellon.

The Respondents in this proceeding are:

- BlackRock Financial Management, Inc.
- Federal Home Loan Bank of Atlanta
- Goldman Sachs Asset Management L.P.
- Kore Advisors, L.P.
- Pacific Investment Management Company LLC
- Federal Home Loan Bank of San Francisco

Attorney Information

Entity	Status	Counsel
Silian Ventures LLC	Respondent-Appellant	<p>QUINN EMANUEL URQUHART & SULLIVAN LLP Jonathan E. Pickhardt Maaren A. Shah Blair A. Adams Evan Hess Neil T. Phillips 51 Madison Ave., 22nd Floor New York, NY 10010 (212) 849-7000 jonpickhardt@quirmemanuel.com maarensah@quinnemanuel.com blairadams@quirmemanuel.com evanhess@quinnemanuel.com neilphillips@quinnemanuel.com</p> <p>GANFER SHORE LEEDS & ZAUDERER LLP Mark C. Zauderer Grant A. Shehigian 360 Lexington Ave. New York, NY 10017 (212) 922-9250 mzauderer@ganfershore.com gshehigian@ganfershore.com</p>
American General Life Insurance Company, American Home Assurance Company, American International Reinsurance Company, Ltd., Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, Pa., The United States Life Insurance Company in the City of New York, The Variable Annuity Life Insurance Company	Respondents-Cross-Appellants	<p>PATTERSON BELKNAP WEBB & TYLER LLP Saul B. Shapiro Diana M. Conner 1133 Avenue of the Americas New York, NY 10036 (212) 336-2000 sbshapiro@pbwt.com dconner@pbwt.com</p>

Entity	Status	Counsel
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BlackRock Financial Management, Inc., Federal Home Loan Bank of Atlanta, Goldman Sachs Asset Management L.P., Kore Advisors, L.P., Pacific Investment Management Company LLC	Respondents	WARNER PARTNERS, P.C. Kenneth E. Warner 950 Third Ave., 32nd Floor New York, NY 10022 (212) 593-8000 kwarner@warnerpc.com GIBBS & BRUNS LLP David M. Sheeren Denise L. Drake Marshal J. Hoda 1100 Louisiana, Suite 5300 Houston, TX 77002 (713) 650-8805 dsheeren@gibbsbruns.com ddrake@gibbsbruns.com mhoda@gibbsbruns.com
Federal Home Loan Bank of San Francisco	Respondent	GRAIS & ELLSWORTH LLP Kathryn C. Ellsworth 950 Third Ave., 24th Floor New York, NY 10022 (212) 755-0100 kellsworth@graisellsworth.com