

=====
This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 221 SSM 27

The Bank of New York Mellon,
solely as Securities
Administrator for J.P. Morgan
Mortgage Acquisition Trust
2006-WMC4,

Respondent,

v.

WMC Mortgage, LLC,
Defendant,
J.P. Morgan Mortgage Acquisition
Corporation, et al.,
Appellants.

Submitted by Darrell S. Cafasso, for appellants.

Submitted by Michael S. Schuster, for respondent.

Securities Industry and Financial Markets Association,
amicus curiae.

* * * * *

On review of submissions pursuant to section 500.11 of the Rules,
order affirmed, with costs, and certified question answered in
the affirmative. The motion of defendants-appellants, insofar as
it sought to dismiss plaintiff's third and fourth causes of
action and so much of the seventh cause of action as is based on
breach of J.P. Morgan Mortgage Acquisition Corporation's
warranties, was properly denied. Chief Judge DiFiore and Judges
Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

Decided October 25, 2016