

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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U.S. BANK NATIONAL ASSOCIATION, not in  
its individual capacity, but as trustee for  
MERRILL LYNCH MORTGAGE INVESTORS  
TRUST, SERIES 2006-RM4 and MERRILL  
LYNCH MORTGAGE INVESTORS TRUST,  
SERIES 2006-RM5,

Plaintiff,

- v -

INDEX NO. 654403/12

MERRILL LYNCH MORTGAGE LENDING,  
INC., MERRILL LYNCH MORTGAGE  
INVESTORS, INC. and BANK OF AMERICA,  
NATIONAL ASSOCIATION,

Defendants.

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Administrative Order:

By letter dated January 16, 2015, plaintiff's counsel requests that this RMBS action be reassigned to the Hon. Eileen Bransten as a result of the recent retirement of the Hon. Melvin L. Schweitzer. By letter dated January 20, 2015, defendants' counsel opposes and requests a random reassignment to another justice of the Commercial Division or assignment to the Hon. Marcy Friedman.

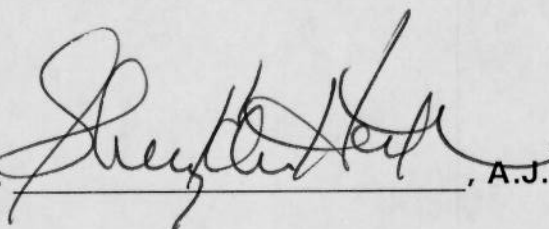
In the absence of the consent of all parties to Referee Schweitzer continuing to preside over cases previously assigned to him, the cases are being randomly reassigned to other justices of the Commercial Division. I see no cause to deviate from that policy in this instance. Plaintiff's counsel argues that this action is closely-related to three RMBS cases in which Bank of America is the defendant that are or were assigned to Justice Bransten (Index Nos. 652388/2011, 651612/2010 & 602825/2008). However, counsel cites no common legal or factual issues amongst these cases. Citing my Administrative Order dated May 23, 2013, defense counsel argues that Justice Marcy Friedman is a far more logical choice than Justice Bransten. However, that Administrative Order only applies to

RMBS cases commenced after that date.

Accordingly, the Trial Support Office is directed to reassign this action at random from Part 45 (Schweitzer, J.) to a Justice of the Commercial Division.

Dated: January 26, 2015

ENTER:

 A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION