

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ASSURED GUARANTY MUNICIPAL CORP. f/k/a
FINANCIAL SECURITY ASSURANCE INC.,

Plaintiff,

- v -

INDEX NO. 650705/10

DB STRUCTURED PRODUCTS, INC. and ACE
SECURITIES CORP.,

Defendants.

AND A THIRD PARTY ACTION

Administrative Order:

By letter dated October 20, 2010, counsel for plaintiff seeks to have this action assigned to the Hon. Shirley Werner Kornreich on the grounds that this action is related to MBIA Insurance Corp. v Credit Suisse Securities (USA) LLC, Index No. 603751/09 (MBIA Action). By letter dated October 21, 2010, third party defendant GreenPoint Mortgage Funding, Inc. (GreenPoint) objects to an assignment of this action to Justice Kornreich and seeks to have the action assigned to the Hon. Bernard Fried on the grounds that this action is related to U.S. Bank National Association v GreenPoint Mortgage Funding, Inc., Index No. 600352/09 (U.S. Bank Action).

Although GreenPoint marked this action as related to the U.S. Bank Action on the Request for Judicial Intervention, it did not include the correct Index Number, and the case was randomly assigned to the Hon. Melvin Schweitzer (Part 45). Nevertheless, the decision as to whether this action is related to the MBIA Action or the U.S. Bank Action, belongs, in the first instance, to the assigned Justice (see Section I[B] of the "Summary of Courthouse Procedures"). Therefore, the parties must make their request to Judge Schweitzer. It is only if further review is required after Judge Schweitzer's determination, that the issue is raised before the Administrative Judge.

Dated: October 29, 2010

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION