

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

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In the Matter of	:	Index No. 401265/2012	OCT 07 2013
	:	Motion Seq. No. 021	GARY T. HOLTZER
the Rehabilitation of	:		
	:	I.A.S. Part 36	
FINANCIAL GUARANTY INSURANCE	:	(Ling-Cohan, J.)	
COMPANY	:		
-----	X	NOTICE OF APPEAL	

PLEASE TAKE NOTICE that Federal Home Loan Mortgage Corporation (“Freddie Mac”) appeals to the Appellate Division of the New York Supreme Court in and for the First Department from the following order of the Honorable Doris Ling-Cohan in the above-captioned special proceeding and entered in the above-captioned special proceeding in the Office of the Clerk of New York County and from each and every part thereof:

1. Order dated August 19, 2013, and entered on August 26, 2013, with respect to Motion Sequence No. 021 in the above-captioned special proceeding.

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Dated: October 4, 2013
New York, New York

Respectfully submitted,

MCKOOL SMITH, P.C.

By: 

Peter S. Goodman
Michael R. Carney
One Bryant Park, 47th Floor
New York, New York 10036
Telephone: 212-867-4488
Facsimile: 212-983-5276

Counsel for Federal Home Loan Mortgage Corporation

TO:

Clerk of the Supreme Court
New York County Courthouse
60 Centre Street, New York, New York 10007

Gary T. Holtzer
WEIL GOTSCHAL & MANGES, LLP
767 Fifth Avenue
New York, New York 10153

Counsel for the Rehabilitator of Financial Guaranty Insurance Company

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

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In the Matter of : Index No. 401265/2012
: Motion Seq. No. 021

the Rehabilitation of :
: I.A.S. Part 36
FINANCIAL GUARANTY INSURANCE : (Ling-Cohan, J.)
COMPANY :
: **PRE-ARGUMENT STATEMENT**
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1. The title of the proceeding at issue is as set forth in the caption above.
2. The full name of the appellant is Federal Home Loan Mortgage Corporation (“Freddie Mac”). The full name of the appellee is Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York, as court-appointed Rehabilitator (the “Rehabilitator”) of Financial Guaranty Insurance Company (“FGIC”).
3. The name, address, and telephone number of counsel for Freddie Mac, as appellant, is as follows:

McKool Smith, P.C.
Peter S. Goodman
Michael R. Carney
One Bryant Park, 47th Floor
New York, New York 10036
Telephone: 212-867-4488
4. The name, address, and telephone number of counsel for the Rehabilitator is as follows:

Weil, Gotschal & Manges LLP
Gary T. Holtzer
767 Fifth Avenue
New York, New York 10153
Telephone: 212-310-8000
5. The appeals are taken from the Supreme Court, New York County (the “Court”).

6. The order appealed from is as follows:
 - a. Order of the Court dated August 19, 2013, and entered on August 26, 2013, with respect to Motion Sequence No. 021 in the above-captioned special proceeding (the “Order Denying Freddie Mac’s Motion for Leave to Take Expedited Discovery”). Through the Order Denying Freddie Mac’s Motion for Leave to Take Expedited Discovery, the Court below denied Freddie Mac’s motion for leave to take limited, expedited discovery in this special proceeding in Motion Sequence No. 021.

7. Freddie Mac seeks reversal of the Order Denying Freddie Mac’s Motion for Leave to Take Expedited Discovery on the ground that the Court erred in denying Freddie Mac’s motion to for leave to take limited, expedited discovery in this special proceeding sought through Motion Sequence No. 021.

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Dated: October 4, 2013
New York, New York

Respectfully submitted,

MCKOOL SMITH, P.C.

By: 

Peter S. Goodman
Michael R. Carney
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New York, New York 10036
Telephone: 212-867-4488
Facsimile: 212-983-5276

Counsel for Federal Home Loan Mortgage Corporation

TO:

Clerk of the Supreme Court
New York County Courthouse
60 Centre Street, New York, New York 10007

Gary T. Holtzer
WEIL GOTSCHAL & MANGES, LLP
767 Fifth Avenue
New York, New York 10153

Counsel for the Rehabilitator

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

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: Index No. 401265/2012
:
In the Matter of the Rehabilitation of : Doris Ling-Cohan, J.
FINANCIAL GUARANTY INSURANCE :
COMPANY. : Motion Sequence No. 21
:
: **NOTICE OF ENTRY**
----- X

PLEASE TAKE NOTICE that the attached is a true and correct copy of an Order of the Honorable Doris Ling-Cohan in the above-captioned action, dated August 19, 2013, denying the motion by Federal Home Loan Mortgage Corporation ("**Freddie Mac**") for leave to conduct limited and expedited discovery, which Order was entered in the office of the County Clerk for the County of New York on August 26, 2013.

Dated: September 5, 2013
New York, New York

Weil, Gotshal & Manges LLP

By: _____

Joseph T. Verdesca

Gary T. Holtzer

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, NY 10153

(212) 310-8000

*Attorneys for the Superintendent of Financial
Services of the State of New York, as Rehabilitator
of Financial Guaranty Insurance Company*

TO: Peter S. Goodman, Esq.
MCKOOL SMITH P.C.
One Bryant Park, 47th Floor
New York, NY 10036

And

David B. Gelfarb, Esq.
MOSS & KALISH, PLLC
122 East 42nd Street, Suite 2100
New York, NY 10168

Attorneys for Freddie Mac

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

PRESENT: DORIS LING-COHAN

PART 36

Justice

Index Number : 401265/2012
 LAWSKY, BENJAMIN M.
 vs
 FINANCIAL GUARANTY
 Sequence Number : 021
 COMPEL DISCLOSURE

INDEX NO. _____
 MOTION DATE _____
 MOTION SEQ. NO. _____

The following papers, numbered 1 to _____, were read on this motion to/for _____


Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____	No(s). <u>1, 2, 3</u>
Answering Affidavits — Exhibits _____	No(s). <u>4</u>
Replying Affidavits _____	No(s). <u>5, 6</u>

Upon the foregoing papers, it is ordered that this motion, by Federal Home Loan Mortgage Corporation, for leave to conduct limited and expedited discovery within this special proceeding, is deemed moot as this court has issued an order/decision, dated August 16, 2013, and this special proceeding was marked disposed.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

FILED
 AUG 26 2013
 COUNTY CLERK'S OFFICE
 NEW YORK

Dated: 8/19/13


 _____, J.S.C.
DORIS LING-COHAN

1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER
 DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

MICHAEL ROBERT CARNEY, being duly sworn, deposes and says:


Deponent is not a party to this special proceeding, is over 18 years of age, and resides in Brooklyn, New York.

On October 4th, 2013, deponent served a copy of the within:

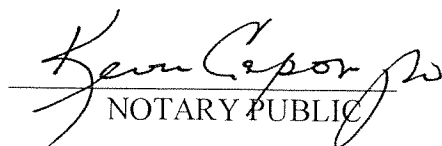
NOTICE OF APPEAL and PRE-ARGUMENT STATEMENT

TO: Gary T. Holtzer
WEIL GOTSCHAL & MANGES, LLP
767 Fifth Avenue
New York, New York 10153

BY REGULAR MAIL, by depositing a true copy thereof, enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of U.S. Postal Service within New York State, addressed to the person at the last known address as set forth above.


MICHAEL R. CARNEY

Sworn to before me this
3rd day of October, 2013


NOTARY PUBLIC

KEVIN CAPONIGRO
Notary Public, State of New York
NO. 01CA6232413
Qualified in Queens County
Commission Expires December 13, 2014