

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

PRESENT: Hon. George J. Silver, Acting Administrative Judge  
Administrative Order

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AMBAC ASSURANCE CORPORATION and THE  
SEGREGATED ACCOUNT OF AMBAC  
ASSURANCE CORPORATION,

Plaintiffs,

- v -

INDEX NO. 651217/2012

FIRST FRANKLIN FINANCIAL CORPORATION,  
BANK OF AMERICA, N.A., MERRILL LYNCH,  
PIERCE, FENNER & SMITH INC., MERRILL LYNCH  
MORTGAGE LENDING, INC., and MERRILL LYNCH  
MORTGAGE INVESTORS, INC.,

Defendants.

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Administrative Order:

By letter dated July 19, 2017, plaintiffs' counsel requests that this action be reassigned to the Hon. Marcy Friedman, Commercial Division Part 60. By letter dated July 20, 2017, defense counsel opposes the request.

In this residential mortgage-backed securities (RMBS) case, plaintiffs assert claims for fraudulent inducement and breach of contract against the defendants in connection with the First Franklin Series 2007-FFC RMBS transaction. This action was commenced in 2012. It was initially presided over by the Hon. Melvin L. Schweitzer. Upon Justice Schweitzer's retirement at the end of 2014, the action was presided over by the Hon. Anil Singh until his recent appointment to the Appellate Division, First Department. In accordance with the court's published notice to the bar, Justice Singh's inventory of cases are being reassigned to Commercial Division Justices O. Peter Sherwood (Part 49), Charles Ramos (Part 53), and Barry Ostrager (Part 61). In accordance with this procedure, this action was initially assigned to Justice Ostrager, who recused himself by order dated July 31, 2017, and was then reassigned to Justice Sherwood.

Plaintiffs' request for reassignment of this action to Justice Marcy Friedman is denied. The May 23, 2013 Administrative Order issued by the Hon. Sherry Klein Heitler applies only to RMBS cases commenced after that date. As plaintiffs' counsel concedes,

this action is in a more advanced stage of motion practice and discovery than Justice Friedman's RMBS cases and both Justices Ramos and Sherwood have familiarity with these types of complex RMBS litigations.

Dated: August 8, 2017

ENTER: George J. Schar, A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION