

At IAS Part 53 of the Supreme Court of the State of New York, County New York, at the Courthouse thereof, 60 Centre Street, New York, New York, on the 19 day of ~~December, 2021.~~
November, 2025

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK, COMMERCIAL DIVISION**

STATE OF NEW YORK ex rel. EDELWEISS FUND, LLC,

Plaintiff,

v.

JPMORGAN CHASE & CO.; CITIGROUP, INC.; M&T BANK CORPORATION; WELLS FARGO & COMPANY; MERRILL LYNCH & CO., INC.; MORGAN STANLEY SMITH BARNEY LLC; JPMORGAN CHASE BANK, N.A.; J.P. MORGAN SECURITIES LLC; J.P. MORGAN SECURITIES, INC.; CITIBANK, N.A.; CITIGROUP GLOBAL MARKETS, INC.; CITIGROUP FINANCIAL PRODUCTS, INC.; CITIGROUP GLOBAL MARKETS HOLDINGS, INC.; M&T BANK; BANK OF AMERICA CORPORATION; BANK OF AMERICA N.A.; BANC OF AMERICA SECURITIES LLC; MERRILL LYNCH, PIERCE, FENNER & SMITH INC.; BOFA MERRILL LYNCH ASSET HOLDINGS, INC.; MORGAN STANLEY; MORGAN STANLEY & CO. LLC; MORGAN STANLEY BANK N.A.; MORGAN STANLEY CAPITAL SERVICES INC.; MORGAN STANLEY CAPITAL GROUP INC.

Defendants.

Index No. 100559/2014

Hon. Andrew Borrok

~~PROPOSED~~ ORDER TO SHOW CAUSE

Motion Sequence 135

PLEASE TAKE NOTICE that, upon the application of Plaintiff-Relator Edelweiss Fund, LLC, the reading and filing of the annexed affirmation of Grant Papastefan, dated November 18, 2025, and good cause having been shown,

LET DEFENDANTS SHOW CAUSE, before this Court, at a hearing to be held at the
Room 238
courthouse at 60 Centre St., New York, NY, I.A.S. Part 53, on the 30 day of

March, ²⁰²⁶ ~~2025~~ at 2:00 a.m./(p.m.), ~~or as soon as counsel may be heard~~, why an Order

should not be made and entered:

- Ordering that the Clerk of the Court is directed, upon service on him or her (60 Centre Street, Room 141B) of a copy of this order with notice of entry, to seal Exhibit 4, Exhibit 5, Exhibit 6 and Exhibit 7 attached to the Affirmation Of Grant Papastefan In Support Of Plaintiff's Memorandum in Opposition to Defendants' Order to Show Cause to Partially Exclude the Expert Testimony of Bradley Wendt, and to separate those documents and keep them separate from the balance of the file in this action, and to restrict said documents from all except the parties, their counsel and Court personnel; and further
- Ordering that thereafter, or until further order of the Court, the Clerk of the Court shall deny access to the said documents to anyone (other than the staff of the Clerk or the Court) except for counsel of record for any party of this case and any party; and further
- Ordering that service upon the Clerk of the Court shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the Court's website at the address www.nycourts.gov/suptmanh);


IT IS FURTHER ORDERED that service of a copy of this Order to Show Cause and all supporting papers upon which it is based, upon Defendants' attorneys by NYSCEF and email before November 24, 2025 shall be deemed good and sufficient service.

~~ORDERED~~ that Counsel shall file proof of service by _____, 2025.

ORDERED, that Defendants shall file their opposition papers if any by March 20, 2026

~~2025~~

Dated: November 19, 2025


HON. ANDREW BORROK
J.S.C.

Entered:

J.S.C.