

COURT OF APPEALS OF WISCONSIN
DISTRICT IV

In the Matter of the Rehabilitation of:
Segregated Account of
Ambac Assurance Corporation:

Ted Nickel and Office of the
Commissioner of Insurance,

Petitioners-Respondents,

Ambac Assurance,

Interested Party-Respondent,

Dane County Case No. 10 CV 1576

Appeal No. 2011AP2078

v.

Aurelius Capital Management LP, Fir Tree
Inc., King Street Capital Master Funds,
Ltd., King Street Capital, L.P., Monarch
Alternative Capital LP, and Stonehill
Capital Management LLC (collectively the
"RMBS Holders"),

Interested Parties-Petitioners-
Appellants,

Federal Home Loan Mortgage Corporation
("Freddie Mac"), Federal National
Mortgage Association ("Fannie Mae"),

Interested Parties-Petitioners-
Co-Appellants,

Access To Loans for Learning Student
Loan Corporation, Assured Guaranty
Corporation, Bank of America, N.A., Bank

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of New York Mellon, Bank Insureds, Countrywide Home Loans Servicing L.P., Consumer Asset Protection Company (“CAPCO”), Depfa Bank, Plc., Deutsche Bank National Trust Company, Deutsche Bank Trust Company Americas, Eaton Vance Management, Goldman Sachs & Co., Inc., HSBC Bank USA National Association, LVM Bondholders, Knowledgeworks Foundation, Lloyds TSB Bank plc, Nuveen Asset Management, One State Street LLC, PNC Bank, Restoration Capital Management LLC, Stone Lion Capital Partners LP., Treasurer of the State of Ohio, United States of America, U.S. Bank National Association, Wells Fargo Bank, N.A., Wells Fargo Bank, N.A. as Trustee for the LVM Bondholders, Wells Fargo Bank as Trustee for RMBS Certificate Holders, Wilmington Trust Company, and Wilmington Trust FSB,

Interested Parties.

Appeal From the November 10, 2011 Order of the Dane County Circuit Court,
William D. Johnston, Lafayette County Circuit Court Judge,
Presiding by Judicial Assignment Order

**MOTION FOR ENLARGEMENT OF TIME
RELATING TO THE FILING DEADLINES SET FORTH IN
THE COURT'S DECEMBER 28, 2011 ORDER**

Aurelius Capital Management, LP, Fir Tree, Inc., King Street Capital, L.P., King Street Capital Master Fund, Ltd., Monarch Alternative Capital LP, and Stonehill Capital Management LLC (collectively, the “RMBS Holders”), by their undersigned counsel, move the Court of Appeals pursuant to Wis. Stat. § 809.82(2) for an enlargement of time prescribed by this Court for filing memoranda addressing whether the Order appealed from in this appeal is final.

In particular, this Court's December 28, 2011 Order required the appellants to file such memoranda by January 11, 2012. The RMBS Holders respectfully request that this filing deadline be extended to January 25, 2012.

Good cause exists for this enlargement of time, as shown by the following:

1. On November 25, 2011, the RMBS Holders, the Federal Home Loan Mortgage Corporation (“Freddie Mac”), and the Federal National Mortgage Association (“Fannie Mae”) filed a petition for leave to appeal an Order issued by the Dane County Circuit Court on November 10, 2011. The RMBS Holders, Freddie Mac, and Fannie Mae also filed notices

of appeal of that order on November 28, 2011, December 3, 2011, and December 5, 2011, respectively.

2. On December 16, 2011, this Court denied the co-appellants' petition for leave to appeal the order. Then, on December 28, 2011, this Court issued an Order in which it questioned whether the Dane County Circuit Court's November 10, 2011 Order was final for purposes of appeal, and ordered the parties to submit memoranda regarding that issue, with the appellants' memoranda due on January 11, 2012.

3. Counsel for the RMBS Holders are in the process of consulting with their clients and the other appellants to prepare a response to the Court's December 28, 2011 Order. In light of the recent holidays, counsel have been unable to consult with all five of their clients as well as the other appellants' counsel to prepare the response.

4. The RMBS Holders believe that having additional time in which to file a memorandum, or if necessary, memoranda, regarding the finality of the Dane County Circuit Court's November 10, 2011 Order would better allow them to consult with clients and counsel and prepare a single response that would be more helpful to this Court as opposed to three separate responses.

WHEREFORE, the RMBS Holders respectfully request that this Court enlarge the time in which the appellants must file memoranda regarding the finality of the Dane County Circuit Court's November 10, 2011 Order such that the deadline is extended from January 11, 2012 to January 25, 2012.

Dated this 5th day of January, 2012.

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