

STATE OF WISCONSIN

: CIRCUIT COURT

: DANE COUNTY

In the Matter of the Rehabilitation of:

Segregated Account of Ambac Assurance
Corporation

Case No. 10 CV 1576

FILED

NOV 21 2016

DANE COUNTY CIRCUIT COURT

**REHABILITATOR'S NOTICE OF MOTION AND MOTION TO QUASH
UNAUTHORIZED SUBPOENA DUCES TECUM SERVED BY MONTEREY BAY
MILITARY HOUSING, LLC AND MONTEREY BAY LAND, LLC**

NOTICE OF MOTION

VIA ELECTRONIC & FIRST CLASS MAIL

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All Other Interested Parties

PLEASE TAKE NOTICE THAT that the Commissioner of Insurance of the State of Wisconsin, as Rehabilitator of the Segregated Account of Ambac Assurance Corporation (the "Rehabilitator") will move the Court for a protective order quashing a foreign subpoena and thereby prohibiting the taking of the deposition of the Wisconsin Insurance Commissioner and the production of documents requested in a foreign subpoena served by Monterey Bay Military

Housing, LLC and Monterey Bay Land, LLC on November 7, 2016. The Rehabilitator further moves for an award of fees and costs incurred in bringing this motion. This motion will be heard by the Honorable Richard G. Niess at the Dane County Courthouse, 215 South Hamilton Street, Madison, Wisconsin, on a date and time to be set by the Court.

PLEASE TAKE FURTHER NOTICE that the Court may in its discretion deny or grant such motion and issue a protective order without further proceedings.

MOTION

The Commissioner of Insurance of the State of Wisconsin, as the Rehabilitator (the “Rehabilitator”) of the Segregated Account of Ambac Assurance Corporation (the “Segregated Account”), hereby moves this Court for an order prohibiting the deposition of the Wisconsin Commissioner of Insurance and the production of documents, and quashing the foreign subpoena issued by Monterey Bay Military Housing LLC and Monterey Bay Land, LLC (collectively “Monterey Bay”), pursuant to WIS. STAT. § 645.05(1)(k), because Monterey Bay did not comply with this Court’s Order dated April 5, 2016 and the testimony and documents it seeks related to the rehabilitation of the Segregated Account are subject to the regulatory privilege of WIS. STAT. § 601.465. In support of its motion, the Rehabilitator submits its Brief in Support and the Affidavit of Richard B. Wicka.

Dated this 21st day of November, 2016.

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