

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
Hon. Richard G. Niess

NOTICE OF MOTION AND MOTION TO EXCEED PAGE LIMIT

To: COUNSEL OF RECORD

NOTICE OF MOTION

PLEASE TAKE NOTICE that the MHPI Projects,¹ by and through their respective attorneys, Kravit, Hovel & Krawczyk s.c., will move the Court for an Order granting them leave to exceed the page limits contained in Local Rule 115. This motion shall be heard by the Honorable Richard G. Niess on May 10, 2018 at 9:30 a.m., in the courtroom usually occupied by him at the Dane County Courthouse, located at 215 South Hamilton Street, Madison, Wisconsin 53703.

MOTION

The MHPI Projects, by and through their respective attorneys, Kravit, Hovel & Krawczyk s.c., move the Court for an Order granting them leave to exceed the page limits contained in Local Rule 115. In support of this motion, the MHPI Projects state as follows:

1. On February 26, 2018, the MHPI Projects filed a Notice of Motion and Motion for Reconsideration, along with a Brief in Support of the MHPI Projects' Motion for

¹ The "MHPI Projects" include: Monterey Bay Military Housing, LLC and Monterey Bay Land, LLC, Carlisle/Picatinny Family Housing LP, Fort Bliss/White Sands Missile Range Housing LP, Meade Communities LLC, Riley Communities, LLC, Fort Lee Commonwealth Communities, Fort Leavenworth Frontier Heritage Communities, II, LLC, Bragg Communities LLC, Fort Detrick/Walter Reed Army Medical Center Housing LLC, Polk Communities LLC, Rucker Communities LLC, and Stewart Hunter Housing LLC.

Reconsideration and other supporting materials. (2/26/18 MHPI Projects Mot. for Reconsideration.)

2. On March 19, 2018, the Rehabilitator filed a 14-page Consolidated Brief in Opposition to the MHPI Projects' Motion for Reconsideration and in Support of the Rehabilitator's Motion for a Final Decree and Discharge Order Closing This Case. (3/19/18 Rehab. Br. in Opp. to Mot. for Reconsideration.)

3. That same day – March 19 – Ambac Assurance Corporation (“Ambac”) filed a 23-page Brief in Opposition to MHPI Projects' Motion for Reconsideration, along with three affidavits and almost 400 pages of exhibits. (3/19/18 Ambac Br. in Opp. to Mot. for Reconsideration.)

4. The MHPI Projects are contemporaneously filing a Reply Brief in Support of the Motion for Reconsideration (“Reply Brief”) in response to both the Rehabilitator's and Ambac's opposition briefing. The Reply Brief totals 19 pages.

5. Pursuant to Dane County L.R. 115, reply briefs are generally limited to 10 (ten) pages, although the Court is allowed to modify the requirements set forth in that rule.

6. Here, exceeding the standard page limit set forth in L.R. 115 is necessary because the MHPI Projects are responding to two separate response briefs containing 37-pages of legal and factual arguments. The MHPI Projects' Reply Brief is a consolidated response and the excess pages are necessary to fully address the arguments of the Rehabilitator and Ambac.

7. Therefore, the MHPI Projects respectfully request that this Court grant them leave to file an oversized reply brief in support of their motion for reconsideration, exceeding the page limits set forth in Dane County L.R. 115.

Dated this 5th day of April, 2018.

KRAVIT, HOVEL & KRAWCZYK s.c.

/s/ Stephen E. Kravit

Stephen E. Kravit (State Bar No. 1016306)

Benjamin R. Prinsen (State Bar No. 1074311)

Leila Nadim Sahar (State Bar No. 1090093)

825 North Jefferson - Fifth Floor

Milwaukee, WI 53202

(414) 271-7100 - Telephone

(414) 271-8135 - Facsimile

kravit@kravitlaw.com

brp@kravitlaw.com

lms@kravitlaw.com

Attorneys for MHPI Projects