

COURT OF APPEALS OF WISCONSIN  
DISTRICT IV

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In the Matter of the Rehabilitation of:

Segregated Account of Ambac Assurance  
Corporation:

SEAN DILWEG and OFFICE OF THE  
COMMISSIONER OF INSURANCE,

Plaintiffs-Respondents,

AMBAC ASSURANCE,

Interested Party-Respondent,

v.

WELLS FARGO BANK/TRUSTEE OF  
BONDHOLDERS, BANK OF NEW  
YORK MELLON and DEUTSCHE  
BANK NATIONAL TRUST  
COMPANY,

Defendants,

FEDERAL HOME LOAN MORTGAGE  
CORPORATION,

Defendant-Petitioner-Co-Appellant,

AURELIUS CAPITAL  
MANAGEMENT LP, FIR TREE INC.,  
KING STREET CAPITAL MASTER  
FUND, LTD., KING STREET  
CAPITAL, L.P., MONARCH  
ALTERNATIVE CAPITAL LP and  
STONEHILL CAPITAL  
MANAGEMENT LLC,

Defendants-Petitioners-Appellants,

Appeal No. 2010AP001291,  
2010AP002022

EATON VANCE MANAGEMENT,  
NUVEEN ASSET MANAGEMENT,  
RESTORATION CAPITAL  
MANAGEMENT LLC and STONE  
LION CAPITAL PARTNERS LP,

Defendants-Co-Appellants-Petitioners.

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**DANE COUNTY CASE NO. 2010-CV-1576**  
**THE HONORABLE WILLIAM D. JOHNSTON PRESIDING**  
**LAFAYETTE COUNTY CIRCUIT COURT, PRESIDING BY JUDICIAL**  
**ASSIGNMENT**

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**RMBS POLICYHOLDERS' MOTION TO FILE OVERSIZED BRIEF**

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Appellants 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 Policyholders”) respectfully submit this Motion to File an Oversized Brief. The RMBS Policyholders request leave to file a 6,000 word Reply Brief in response to two separate briefs totaling nearly 32,000 words that were filed by the respondents. In support of this Motion, the RMBS Policyholders state as follows:

1. On October 8, 2010, this Court entered an order modifying the briefing schedule in this matter (the “Order”).
2. The Order provides that “Respondents OCI and Ambac may each file one brief up to 16,000 words jointly addressing all of the Appellants’ briefs.” (*Id.* at 3.) The RMBS Policyholders did not object to OCI’s and AAC’s request that the Court provide them with additional words.
3. On November 18, 2010, Respondents OCI and AAC filed their separate briefs. OCI’s brief contains 15,833 words and AAC’s brief contains 15,741 words. (OCI Br., at 84; AAC Br., at 74.)
4. OCI and AAC made numerous arguments in their response briefs (which are a combined 31,574 words) to which the RMBS Policyholders intend to reply. Specifically, OCI’s argument section consists of eighteen subparts and AAC’s argument section consists of twenty four subparts. The RMBS Policyholders are unable to reply to all of these arguments in the 3,000 words

permitted by rule and believe that additional words are required to reply fully to the arguments raised by OCI and AAC.

5. The current draft of the RMBS Policyholders' reply brief is approximately 7,000 words. We are continuing to shorten the draft reply brief and are making every effort to address concisely the arguments that were raised in OCI and AAC's briefs, several of which were raised by OCI and AAC for the first time.

6. The RMBS Policyholders believe that a Reply Brief of six thousand (6,000) words will allow them to address the legal and factual basis for the appeal, and the RMBS Policyholders would be prejudiced without the ability to provide such information to the Court.

WHEREFORE, the RMBS Policyholders respectfully request that this Court enter an order granting their Motion to File an Oversized Brief to permit the RMBS Policyholders to file a six thousand (6,000) word Reply Brief.

Dated this 15th day of December, 2010.

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