

# Morgan Lewis

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August 5, 2022

**MEMO ENDORSED**

**VIA ECF**

Hon. Sidney H. Stein, U.S.D.J.  
United States District Court, S.D.N.Y.  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1010  
New York, NY 10007

Re: Nat'l Credit Union Admin. Bd. v. Deutsche Bank Nat'l Trust Co., No. 14-cv-8919

Dear Judge Stein:

We represent Defendant Deutsche Bank National Trust Company, as trustee for the 18 residential mortgage-backed securitization trusts at issue herein (the "Trustee"). We write, pursuant to Section 5(B) the Court's Individual Practices, to seek leave to file certain documents under seal or with redactions in connection with the Trustee's accompanying reply in further support of its motion to exclude the report, opinions, and testimony of Leonard A. Blum (the "Trustee Daubert Reply").

First, consistent with the Court's recent orders (Dkt.## 365, 367, & 403), the Trustee seeks the Court's permission to: (a) redact or file under seal non-public personal borrower information; (b) file under seal complete documents that contain voluminous amounts of non-public personal borrower information; and (c) publicly file documents containing full loan numbers where those loan numbers are not connected to any non-public personal borrower information.

Second, consistent with the Court's recent orders (Dkt.## 365 & 403) and pursuant to Paragraph 31 of the Stipulation and Agreed Protective Order (Dkt.# 199) (the "Protective Order"), the Trustee seeks the Court's permission to redact or file under seal non-public confidential information produced by a non-party.

**I. Motion Papers and Exhibits Containing Non-Public Personal Borrower Information**

The Trustee seeks the Court's permission to: (a) redact or file under seal non-public personal borrower information; (b) file under seal complete documents that contain voluminous amounts of non-public personal borrower information; and (c) publicly file documents containing full loan numbers where those loan numbers are not connected to any non-public personal borrower information.

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This material consists of or is derived from the “Expert Report of Leonard A. Blum,” dated July 23, 2021 (the “Blum Report”), which the Trustee previously submitted to the Court as an exhibit to its Motion to Exclude Blum. Dkt.# 395-2 (Exhibit 2 to the Declaration of Jawad B. Muaddi, dated May 17, 2022).

The following materials that are being submitted with the Trustee Daubert Reply contain non-public personal borrower information, specifically loan numbers and borrower names and/or addresses:

- “Declaration of Jawad B. Muaddi in Further Support of the Motion of Defendant Deutsche Bank National Trust Company, as Trustee, to Exclude the Report, Opinions, and Testimony of Leonard A. Blum,” dated August 5, 2022 (the “Muaddi Reply Declaration”);
- Muaddi Ex. 30 (derived from the Blum Report);
- Muaddi Ex. 31 (derived from the Blum Report); and
- Muaddi Ex. 32 (derived from the Blum Report).

For the reasons articulated, and the authorities cited, in the parties’ “So Ordered” joint letters (Dkt.## 367 & 403), the Trustee respectfully requests permission to file the foregoing materials under seal or with redactions, in the manner described above.

## **II. Exhibits and Motion Papers Containing Information About Non-Parties**

The Trustee seeks the Court’s permission to redact references in the “Reply Memorandum of Law of Defendant Deutsche Bank National Trust Company, as Trustee, in Support of its Motion to Exclude the Report, Opinions, and Testimony of Leonard A. Blum,” dated August 5, 2022 and the Muaddi Reply Declaration to documents containing non-public confidential information produced by a non-party pursuant to a subpoena served by NCUA. The Court recently allowed the Trustee to submit non-public confidential information about non-parties under seal. Dkt.## 365 & 403.

For the reasons articulated, and the authorities cited, in the Trustee’s “So Ordered” letters (Dkt.## 365 & 403), the Trustee respectfully requests permission to file the foregoing materials under seal or with redactions.

\* \* \*

We thank the Court for its attention to this matter.

Respectfully submitted,  
*Bernard J. Garbutt III*

8/8/2022  
So ordered  
Sidney H. Stein  
U.S.D.J.