

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In the Matter of the Trusts established under the Pooling and Servicing Agreements relating to the Wachovia Bank Commercial Mortgage Trust Commercial Mortgage Pass-Through Certificates, Series 2007-C30; COBALT CMBS Commercial Mortgage Trust 2007-C2 Commercial Mortgage Pass-Through Certificates, Series 2007-C2; Wachovia Bank Commercial Mortgage Trust Commercial Mortgage Pass-Through Certificates, Series 2007-C31; ML-CFC Commercial Mortgage Trust 2007-5 Commercial Mortgage Pass-Through Certificates, Series 2007-5; and ML-CFC Commercial Mortgage Trust 2007-6 Commercial Mortgage Pass-Through Certificates, Series 2007-6

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17 Civ. 1998 (KPF)

ORDER EXTENDING DEADLINE  
FOR FED. R. CIV. P. 54 MOTIONS

KATHERINE POLK FAILLA, District Judge:

WHEREAS, on March 19, 2020, the Court entered an Opinion and Order, *inter alia*, granting the motions of CWCapital Asset Management LLC, the Federal Home Loan Mortgage Corporation, and the Federal National Mortgage Association for summary judgment, and denying the motion of Appaloosa Investments L.P. I. and Palomino Master Ltd. (together, “Appaloosa”) for partial summary judgment;

WHEREAS, on April 24, 2020, the parties submitted proposed final judgments to the Court for its consideration, with differing provisions concerning the timing of any motions for reimbursement of attorneys’ fees and expenses;

WHEREAS, on April 27, 2020, the Court entered an Order (the “April 27, 2020 Order”) concluding that the final order and judgment need not include a provision preserving Appaloosa’s right to seek attorneys’ fees and costs, but inviting the parties to discuss proposing a

schedule by which motions for attorneys' fees and expenses would follow resolution of any appeal from the final judgment entered in this case;

WHEREAS, on April 30, 2020, the Clerk of the Court entered the final judgment in this case (the "Final Judgment"); and

WHEREAS the parties have met and conferred pursuant to the Court's invitation in the April 27, 2020 Order, and have jointly proposed to the Court an extension of the Fed. R. Civ. P. 54(d) deadline until 14 days after an appellate mandate issues that affirms the Final Judgment, or 45 days after this Court entered the Final Judgment, whichever is later;

NOW, THEREFORE, it is hereby ORDERED that the deadline for filing motions for attorneys' fees and expenses pursuant to Fed. R. Civ. P. 54(d) is hereby extended until 14 days after an appellate mandate issues that affirms the Final Judgment, or 45 days after the Clerk of the Court entered the Final Judgment in this case, whichever is later.

**SO ORDERED:**

Dated: New York, New York  
May 1, 2020

A handwritten signature in blue ink that reads "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge