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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

LEHMAN BROTHERS HOLDINGS INC., et al.,

Debtors.

Chapter 11

Case No. 08-13555 (SCC)

**RESPONSE OF COBALT MORTGAGE, INC. TO LEHMAN'S MOTION
IN AID OF ALTERNATIVE DISPUTE RESOLUTION PROCEDURES
ORDER FOR INDEMNIFICATION CLAIMS OF THE DEBTORS
AGAINST MORTGAGE LOAN SELLERS [DKT. NO. 60632]**

Cobalt Mortgage, Inc. is willing to mediate with Lehman in an effort to resolve Lehman's claims against Cobalt asserted in Adversary No. 19-01013. Cobalt objects to the mediation procedures set forth in the Court's Modified Amended Alternative Dispute Resolution Procedures Order for Indemnification Claims of the Debtors Against Mortgage Loan Sellers [Dkt. No. 59387] only to the extent that the parties should not be required to travel to New York, New York to attend mediation. The parties should not be compelled to travel to and appear for a mediation in New York or anywhere else because of the COVID-19 pandemic.

Cobalt cannot, however, speak for Caliber Home Loans, which is a separate company that acquired assets from Cobalt in 2014. Caliber is not a party to the adversary proceeding against Cobalt. Cobalt does not control Caliber and has no authority to compel Caliber to participate. If Caliber chooses not to participate—and as a non-party, it

has no obligation to participate—Cobalt should not be unfairly prejudiced as a consequence of that choice.

For the foregoing reasons, the Court should deny Lehman’s motion to the extent that it would require Cobalt to travel for a mediation or prejudice Cobalt if Caliber chooses not to participate with Lehman’s proposed alternative dispute resolution procedures.

July 7, 2020
Seattle, Washington

Davis Wright Tremaine LLP
Attorneys for Cobalt Mortgage, Inc.

By /s/ Hugh McCullough
Hugh McCullough

CERTIFICATE OF SERVICE

I certify that on July 7, 2020, I electronically filed the Response of Cobalt Mortgage, Inc. to Lehman's Motion in Aid of Alternative Dispute Resolution Procedures Order for Indemnification Claims of the Debtors Against Mortgage Loan Sellers with the Clerk of the Court using the CM/ECF system, which will send notice to all those who are registered through CM/ECF as of the date of filing.

July 7, 2020
Seattle, Washington

Davis Wright Tremaine LLP
Attorneys for Cobalt Mortgage, Inc.

By /s/ Hugh McCullough
Hugh McCullough