

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

**STATE OF NEBRASKA, ex rel.
DOUGLAS J. PETERSON,
ATTORNEY GENERAL,**

Plaintiff,

v.

**PEAKS TRUST 2009-1,
DEUTSCHE BANK NATIONAL
TRUST COMPANY, solely in its
capacity as lender trustee of
PEAKS, DEUTSCHE BANK
TRUST COMPANY DELAWARE,
solely in its capacity as owner
trustee of PEAKS, AND
DEUTSCHE BANK TRUST
COMPANY AMERICAS, solely in
its capacity as indenture trustee and
collateral agent of PEAKS,**

Defendants.

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**APPLICATION FOR
APPROVAL OF ASSURANCE
OF VOLUNTARY
COMPLIANCE**

COMES NOW the State of Nebraska, by and through Attorney General Douglas J. Peterson and Assistant Attorney General Meghan E. Stoppel, pursuant to the Nebraska Consumer Protection Act, Neb. Rev. Stat. § 59-1601 et seq. ("Consumer Protection Act") and the Uniform

Deceptive Trade Practices Act, Neb. Rev. Stat. § 87-301 et seq. (“Uniform Deceptive Trade Practices Act”), and submits this Application for Approval of Assurance of Voluntary Compliance (“Application”).

PARTIES

1. Plaintiff, the State of Nebraska ex rel. Douglas J. Peterson, is the duly elected, qualified, and acting Attorney General for the State of Nebraska, and brings this Application in his official capacity, by and through Assistant Attorney General Meghan E. Stoppel, pursuant to the Consumer Protection Act and the Uniform Deceptive Trade Practices Act.

2. PEAKS Trust 2009-1 (“**PEAKS**”) is a Delaware statutory trust. Deutsche Bank National Trust Company (“**DBNTC**”) is, and appears solely in its capacity as, lender trustee of PEAKS. Deutsche Bank Trust Company Delaware (“**DBTCD**”) is, and appears solely in its capacity as, owner trustee of PEAKS. Deutsche Bank Trust Company Americas (“**DBTCA**”) is, and appears solely in its capacity as, indenture trustee and collateral agent of PEAKS. All of the aforementioned are collectively referred to as “Defendants”.

VENUE, JURISDICTION, AND CHOICE OF LAW

3. The parties hereby agree that venue regarding this Application and the underlying Assurance of Voluntary Compliance filed herewith and incorporated herein (“Assurance”) is before the District Court of Lancaster County, Nebraska (“Court”) pursuant to Neb. Rev. Stat. §§ 59-1610 and 87-303.05; that the Court has subject matter jurisdiction over this matter; that the Parties herein submit to the personal jurisdiction of the Court for the purpose of approving this Assurance; and that the laws of the State of Nebraska control and apply to the interpretation and enforcement of this Application and Assurance.

4.

GENERAL INFORMATION

5. Plaintiff, in his capacity as the Attorney General, is directed to take affirmative action in the enforcement of state consumer protection laws, pursuant to the Consumer Protection Act and the Uniform Deceptive Trade Practices Act.

6. Neb. Rev. Stat. §§ 59-1610 and 87-303.05 grants Plaintiff the authority to enter into an agreement, known as an Assurance of Voluntary Compliance with Defendants. Pursuant to §§ 59-1610 and 87-303.05, such an agreement is subject to filing and receiving the approval of the Court.

7. An Assurance of Voluntary Compliance signed by both parties and filed herewith was entered into by and between the State of Nebraska and Defendants.


8. Defendants have agreed to abide by the terms of the Assurance.

WHEREFORE, Plaintiff prays this Court review and enter an Order approving the terms and provisions of the Assurance.

DATED this 15th day of September, 2020.

STATE OF NEBRASKA, ex rel.
DOUGLAS J. PETERSON, Attorney General

BY: Douglas J. Peterson, #18146
ATTORNEY GENERAL



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