

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:)	
)	
)	Chapter 11 Case No. 09-13764 (JMP)
EXTENDED STAY, INC., <i>et al.</i>)	
)	(Jointly Administered)
Debtors.)	
)	
)	
WALKER, TRUESDELL, ROTH &)	
ASSOCIATES, as Trustee for and on behalf)	
of the Extended Stay Litigation Trust,)	
)	
HOBART TRUESDELL, as Trustee for and)	
on behalf of the Extended Stay Litigation)	
Trust, and)	
)	
THE EXTENDED STAY LITIGATION)	Adv. Proc. Nos. 11-02254, 11-02255, 11-
TRUST,)	02256, 11-02259, and 11-02398
)	
)	
Plaintiffs,)	
-against-)	
)	
The Blackstone Group, L.P., et al.,)	
)	
Defendants.)	
)	

STIPULATION AND PROPOSED ORDER
REGARDING SEALING OF CERTAIN EXHIBITS
TO THE BLACKSTONE DEFENDANTS' MOTION TO DISMISS

On November 1, 2011, the Blackstone Defendants asked the Court to allow them to file seven exhibits to their motion to dismiss under seal. The Court entered that order on November 1, 2011, (*see, e.g.*, Adv. Proc. No. 11-02254, Docket. No. 98 (Nov. 1, 2011)), and the Blackstone Defendants filed these exhibits under seal. The Trustee filed an opposition to the Blackstone Defendants' motion to seal on December 7, 2011, which was effectively a motion to unseal those

seven exhibits. (Adv. Proc. No. 11-02254, Docket. No. 128.) The Blackstone Defendants filed a reply to this opposition on December 16, 2011. (Adv. Proc. No. 11-02254, Docket No. 136.)

In an attempt to avoid a dispute, the Blackstone Defendants and the Trustee agree as follows:

1. The Trustee agrees to withdraw its opposition to the Blackstone Defendants' motion, without prejudice to renew following a ruling on the motions to dismiss in the above-referenced adversary proceedings.

2. The parties agree that exhibits 1 and 2 to the Blackstone Defendants' motion to seal may be submitted in redacted format with the redacted portions remaining under seal. Those redactions are reflected in the corresponding exhibits to the Blackstone Defendants' December 16, 2011 reply to the Trustee's opposition.

3. The parties agree that the exhibits 4, 5, and 7 to the Blackstone Defendants' motion to seal may be unsealed.

4. The parties agree that the Trustee may quote excerpts from exhibits 3 and 6 to the Blackstone Defendants motion to seal in support of or in opposition to a motion pending before the Court in one of the above-referenced adversary proceedings, provided that the quoted excerpts are substantially similar to the excerpts referenced in the complaints filed by the Trustee in the adversary proceedings.

This stipulation is hereby agreed to by the parties this 22 day of December, 2011.

/s/ Marc D. Powers

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Litigation Trust, and Hobart Truesdell and
Walker, Truesdell, Roth & Associates, as
Trustees of the Extended Stay Litigation*

/s/ Daniel T. Donovan

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Counsel for the Blackstone Defendants

ORDERED this 23rd day of December, 2011.

s/ James M. Peck

Honorable James M. Peck
United States Bankruptcy Judge