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October 6, 2014

VIA ECF AND EMAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

*Re: Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Secs. LLC, No. 08-01789 (SMB);
Picard v. Merkin, Adv. Pro. No. 09-01182 (SMB)*

Dear Judge Bernstein:

We are counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the estate of Bernard L. Madoff, plaintiff in the above-referenced adversary proceeding.

At the October 2, 2014 hearing on the Trustee’s Motion to Direct Entry of a Final Judgment Under Federal Rule of Civil Procedure 54(b) and to Certify Judgment for Immediate Appeal Under 28 U.S.C. § 158(d) (the “Hearing”), the Court requested that the Trustee’s counsel submit a chart identifying those adversary proceedings pending before the Court in which the Trustee’s claims could be the subject of a motion to dismiss based on the standards enunciated in Judge Rakoff’s “Actual Knowledge” decision, *SIPC v. BLMIS*, No. 12 Misc. 115 (JSR), 2013 WL 1609154 (S.D.N.Y. Apr. 15, 2013), and this Court’s decision of August 12, 2014 in this adversary proceeding. *Picard v. Merkin*, 2014 WL 3908211 (Bankr. S.D.N.Y. Aug. 12, 2014).

The chart is enclosed herewith. The chart lists 103 adversary proceedings and the number of defendants in each against whom the Trustee’s claims could be affected by the “actual knowledge” standard. The Trustee is available to the Court should it have any further questions.

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Sincerely,

/s/ David J. Sheehan

David J. Sheehan

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ADVERSARY PROCEEDING NUMBER	CASE NAME	NUMBER OF TOTAL DEFENDANTS	NUMBER OF ACTIVE DEFENDANTS	NUMBER OF DEFENDANTS POTENTIALLY AFFECTED BY THE ACTUAL KNOWLEDGE INTERPRETATION OF 546(e)
09-01161	CERETTI, et al.	18	18	18
09-01172	CHAI, et al.	58	57	57
09-01182	MERKIN, et al.	6	6	6
09-01239	FAIRFIELD SENTRY LIMITED, et al.	46	26	25
09-01364	HSBC BANK PLC, et al.	61	61	40
09-01365	THYBO ASSET MANAGEMENT LIMITED, et al.	2	2	2
09-01503	ANDREW MADOFF, et al.	4	3	2
10-04213	CONTELLESA-PITZ, et al.	2	2	2
10-04214	BONVENTRE, et al.	2	2	2
10-04215	BONGIORNO, et al.	2	2	2
10-04216	CRUPI, et al.	6	2	2
10-04218	LIPKIN, et al.	10	10	10
10-04272	JEROME O'HARA, et al.	7	6	6
10-04282	JOEL LEVEY	1	1	1
10-04283	MENDELOW, et al.	7	6	4
10-04284	PLAZA INVESTMENTS INTERNATIONAL LIMITED, et al.	2	2	2
10-04285	UBS AG, et al.	22	14	14
10-04287	CARDINAL MANAGEMENT, et al.	2	2	2
10-04330	SQUARE ONE FUND LTD, et al.	6	6	6
10-04730	BLUMENFELD, et al.	60	59	35
10-05120	OREADES SICV, et al.	5	5	5
10-05267	FLAX, et al.	8	8	8
10-05279	MAGNIFY INC., et al.	11	8	7
10-05286	LEGACY CAPITAL LTD., et al.	12	12	2
10-05311	UBS AG, et al.	15	9	9
10-05346	MERRILL LYNCH INTERNATIONAL	1	1	1
10-05353	NATIXIS S.A., et al.	5	5	4
10-05354	ABN AMRO BANK N.V.	2	1	1
10-05355	ABN AMRO BANK (IRELAND) LTD., et al.	3	2	1
10-05383	STANLEY SHAPIRO, et al.	20	12	12
10-05394	GLANTZ, et al.	39	18	15
10-05395	FRIEDMAN, et al.	6	5	5
10-05407	MACCABEE, et al.	3	3	3
10-05408	GREENBERGER, et al.	2	2	2
10-05411	KOHN, et al.	78	75	1
10-05415	AMERICAN SECURITIES MANAGEMENT, L.P., et al.	202	108	108
10-05421	AVELLINO & BIENES, et al.	44	38	38
11-01885	SAFRA NATIONAL BANK OF NEW YORK	1	1	1
11-02149	BANQUE SYZ & CO., S.A.	1	1	1
11-02493	ABU DHABI INVESTMENT AUTHORITY	1	1	1
11-02537	ORBITA CAPITAL RETURN STRATEGY LIMITED	1	1	1
11-02538	QUILVEST FINANCE LTD.	1	1	1
11-02540	LION GLOBAL INVESTORS LIMITED	1	1	1
11-02542	PARSON FINANCE PANAMA S.A.	1	1	1
11-02551	DELTA NATIONAL BANK & TRUST COMPANY	1	1	1
11-02553	UNIFORTUNE ASSET MANAGEMENT SGR S.P.A., et al.	2	2	2
11-02568	CATHAY LIFE INSURANCE CO. LTD.	2	1	1
11-02569	BARCLAYS BANK (SUISSE) S.A., et al.	3	3	3
11-02571	BANQUE PRIVÉE ESPIRITO SANTO S.A. (F/K/A COMPAGNIE BANCAIRE ESPIRITO SANTO S.A.)	1	1	1
11-02572	KOREA EXCHANGE BANK, et al.	2	2	2
11-02730	ATLANTIC SECURITY BANK	1	1	1
11-02731	TRINCASTER CORPORATION	1	1	1
11-02733	NAIDOT & CO.	1	1	1
11-02758	CACEIS BANK LUXEMBOURG, et al.	2	2	2
11-02762	LIGHTHOUSE INVESTMENT PARTNERS LLC, et al.	3	3	3
11-02763	INTELIGO BANK LTD. PANAMA BRANCH, F/K/A BLUBANK LTD. PANAMA BRANCH	1	1	1
11-02784	SOMERS DUBLIN LIMITED, et al.	2	2	2
11-02910	MERRILL LYNCH BANK (SUISSE) S.A.	1	1	1
11-02922	BANK JULIUS BAER & CO. LTD.	1	1	1
11-02923	FALCON PRIVATE BANK LTD.	1	1	1
11-02925	CREDIT SUISSE AG, et al.	11	11	8
11-02929	LGT BANK LIECHTENSTEIN LTD.	1	1	1

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12-01002	THE PUBLIC INSTITUTION FOR SOCIAL SECURITY	1	1	1
12-01004	FULLERTON CAPITAL PTE LTD.	1	1	1
12-01005	SICO LIMITED	2	1	1
12-01019	BANCO ITAU EUROPA LUXEMBOURG S.A., et al.	2	2	1
12-01021	GROSVENOR INVESTMENT MANAGEMENT LTD., et al.	4	4	4
12-01022	CRÉDIT AGRICOLE (SUISSE), et al.	2	2	1
12-01023	ARDEN ASSET MANAGEMENT INC., et al.	4	3	3
12-01025	SOLOON CAPITAL, LTD.	1	1	1
12-01046	SNS BANK N.V., et al.	2	2	2
12-01047	KOCH INDUSTRIES, INC.	1	1	1
12-01048	BANCO GENERAL S.A., et al.	2	2	2
12-01194	KOOKMIN BANK	1	1	1
12-01202	BANK VONTOBEL AG, et al.	3	2	2
12-01205	MULTI-STRATEGY FUND LIMITED, et al.	2	2	2
12-01207	LLOYDS TSB BANK PLC	1	1	1
12-01209	BSI AG	1	1	1
12-01210	SCHRODER & CO. BANK AG	1	1	1
12-01216	BANK HAPOLIM B.M., et al.	2	2	1
12-01217	BROWN BROTHERS HARRIMAN & CO.	1	1	1
12-01278	ZEPHYROS LIMITED	1	1	1
12-01512	ZCM ASSET HOLDING COMPANY (BERMUDA) LLC	1	1	1
12-01513	CITIVIC NOMINEES LTD.	1	1	1
12-01565	STANDARD CHARTERED FINANCIAL SERVICES (LUXEMBOURG) S.A., et al.	3	3	3
12-01566	UKFP (ASIA) NOMINEES	1	1	1
12-01576	BNP PARIBAS S.A., et al.	8	6	5
12-01577	UBS DEUTSCHLAND AG, et al.	2	2	2
12-01669	BARFIELD NOMINEES LIMITED, et al.	2	2	2
12-01670	CREDIT AGRICOLE CORPORATE AND INVESTMENT BANK	1	1	1
12-01676	CREDIT SUISSE AG, et al.	1	1	1
12-01677	SOCIETE GENERALE PRIVATE BANKING (SUISSE) S.A., et al.	16	16	12
12-01680	INTESA SANPAOLO SPA, et al.	8	8	8
12-01690	EFG BANK S.A., et al.	3	3	3
12-01691	BANQUE DEGROOF SA/NA, et al.	11	11	11
12-01693	LOMBARD ODIER DARIER HENTSCH & CIE	1	1	1
12-01695	BORDIER & CIE	1	1	1
12-01697	ABN AMRO FUND SERVICES (ISLE OF MAN) NOMINEES LIMITED, et al.	3	3	2
12-01698	BANQUE INTERNATIONALE A LUXEMBOURG S.A., et al.	5	5	2
12-01699	ROYAL BANK OF CANADA, et al.	8	8	6
12-01700	CAPRICE INTERNATIONAL GROUP INC. ET AL.	6	5	5
12-01701	PF TRUSTEES LIMITED IN ITS CAPACITY AS TRUSTEE OF RD TRUST, et al.	3	3	3
12-01702	BARRENECHE, INC., et al.	11	9	8
Totals	103	955	765	608