

**BakerHostetler**

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, NY 10111

T 212.589.4200  
F 212.589.4201  
www.bakerlaw.com

Kathryn M. Zunno  
direct dial: 212.589.4653  
kzunno@bakerlaw.com

July 28, 2015

**VIA ECF AND HAND DELIVERY**

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

*Re: Picard v. Cohmad Securities Corp., et al., Adv. Pro. No. 09-01305 (SMB)*

Dear Judge Bernstein:

We are counsel to Irving H. Picard, Esq., the Trustee for the substantively consolidated SIPA liquidation proceedings of Bernard L. Madoff Investment Securities LLC and estate of Bernard L. Madoff (together, "BLMIS"). We respectfully request a conference with the Court, pursuant to Local Rule 7007-1(b) and Your Chambers Rules, to address Defendants Alvin and Carole Delaires' (the "Delaires") failure to participate in discovery. Specifically, for more than one year, Delaires' counsel has frustrated the Trustee's good faith efforts to meet and confer regarding the Delaires' responses and objections to the Trustee's First Set of Requests for the Production of Documents (the "Requests"), and the Delaires' failure to produce any documents in response to the Requests or to identify which documents will be withheld based on their objections. Delaires' counsel has largely ignored the Trustee's requests to meet and confer.

The Trustee served his Requests on December 22, 2011, and the Delaires served written responses and objections on August 15, 2012. At that time, the reference to the Bankruptcy Court was withdrawn on various threshold issues in the BLMIS liquidation, including those that affect this case. By letter dated April 28, 2014, the Trustee addressed each of the Delaires' objections to the Requests and asked to meet and confer. Delaires' counsel never provided a written response to the Trustee's April 28 letter and the Trustee spent the next seven months trying to schedule a meet and confer with him. Delaires' counsel repeatedly failed to respond to our emails and telephone calls or commit to dates for the meet and confer.

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The parties finally met and conferred telephonically on November 25, 2014, and again on January 8, 2015. During the November 25 call, Delaires' counsel indicated that the Delaires have only a few boxes of hard copy documents that may be responsive to the Requests, which were being held at his office. Delaires' counsel also represented that he believed the Delaires' objections to the Requests were made only to preserve their rights, but requested time to re-review the hard copy documents to determine whether they would withhold any from production.

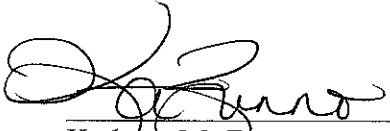
During the January 8 call, Delaires' counsel informed us that many of the Delaires' documents contain their personal financial information. Delaires' counsel again stated that he did not anticipate withholding any documents based on objections, but expressed concern over producing the Delaires' documents to other Defendants in this case. Delaires' counsel said he would review the Litigation Protective Order, which governs confidentiality designations in this case. We agreed to a follow-up call on January 22, 2015 at 11:00 a.m., but when we called Delaires' counsel, he was not available. Delaires' counsel did not respond to the Trustee's subsequent two emails and two telephone calls attempting to reschedule.

The Trustee made additional efforts to resolve this discovery dispute in letters to Delaires' counsel dated February 12, 2015 and March 16, 2015, emails to Delaires' counsel dated April 3, 2015, April 28, 2015, May 28, 2015, May 29, 2015, June 15, 2015, and July 8, 2015, and by telephone messages left for Delaires' counsel on April 20, 2015, April 22, 2015, and April 28, 2015. Of these *eleven* attempts to contact Delaires' counsel, the only responses the Trustee received were: (1) a letter from Delaires' counsel dated February 23, 2015, in which he claimed that the parties still needed to address the Delaires' objections to the Requests (despite the Trustee's efforts to meet and confer on the Requests and Delaires' counsel previously representing that the objections were made primarily for preservation purposes); and (2) an email from Delaires' counsel dated May 28, 2015, in which he asked the Trustee for proposed dates and times for a meet and confer (despite the Trustee already proposing numerous dates and times for such a meet and confer since the Trustee's April 28, 2014 letter). The Trustee nevertheless proposed dates and times to Delaires' counsel in his May 29, June 15, and July 8 emails, but Delaires' counsel did not respond.

The Delaires' failure to cooperate has frustrated the Trustee's efforts to resolve this dispute and necessitated the Trustee to seek the Court's intervention. The Trustee respectfully seeks this Court's assistance with regard to the Delaires' failure to: (i) meet and confer with the Trustee; (ii) produce documents that are responsive to the Trustee's Requests; and (iii) identify documents, if any, that the Delaires are withholding (along with the basis for doing so). Per your Honor's Chamber Rules, we request a conference to resolve these issues. There is a different Cohmad-related discovery matter currently scheduled for a hearing before your Honor on August 18, 2015. We are available for a conference on that date, or an alternate date that is convenient for your Honor. Lastly, enclosed as Exhibits A and B are the Trustee's Requests and the Delaires' responses, respectively.

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Respectfully,

  
\_\_\_\_\_  
Kathryn M. Zunno

Enclosures

cc: Karin Scholz Jenson (via ECF and email)  
Esterina Giuliani (via ECF and email)  
All counsel of record (via ECF and email)  
Ms. Jane M. Delaire, *pro se* (via email)  
Mr. Edward H. Kohlschreiber, *pro se* (via First Class Mail)

## **EXHIBIT A**

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

COHMAD SECURITIES CORPORATION, *et al.*,

Defendant.

No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 09-01305 (BRL)

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**TRUSTEE IRVING H. PICARD'S FIRST SET OF REQUESTS FOR THE  
PRODUCTION OF DOCUMENTS TO ALVIN J. DELAIRE, JR.**

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**PLEASE TAKE NOTICE** that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Rule 7034 of the Federal Rules of Bankruptcy Procedure and the Local Civil Rules of this Court, Irving H. Picard, trustee (the "Trustee") for the Liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS"), requests that Alvin J. Delaire, Jr. ("Defendant," "You" or "Your") produce documents responsive to the document requests set forth herein, as well as a privilege log (if necessary) and deliver the same to the office of Baker Hostetler LLP, c/o Oren J. Warshavsky, 45 Rockefeller Plaza, New York, New York 10111 within 30 days hereof.

**DEFINITIONS**

1. The definitions contained in Rule 26.3 of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, as adopted in Rule 7026-1 of the Local Bankruptcy Rules for the Southern District of New York, are hereby incorporated by reference.

2. As used herein, the term "Cohmad" shall mean and include Cohmad Securities Corporation, any current and former parent, subsidiary, affiliate, division, predecessor, successor, owner, principal, member, officer, director, shareholder, manager, agent or representative thereof, including without limitation M.C. Securities Corporation. The term "Cohmad" shall also include all of the Cohmad Representatives, as that term is defined herein.

3. As used herein, the term “Cohmad Representative” shall include all employees of Cohmad, including without limitation, Maurice “Sonny” Cohn, Marcia B. Cohn, Robert Jaffe, Stanley Mervin Berman, Richard Spring, Alvin “Sonny” Delaire, Jonathan Greenberg, Cyril Jalon, Morton Kurzrok, Linda McCurdy and Rosalie Buccellato.

4. “BLMIS” refers to Bernard L. Madoff Investment Securities LLC and any and all related persons and entities affiliated with BLMIS, including without limitation: Abtech Industries Inc.; BLM Air Charter LLC; Blumenfeld Development Group; BREA Associates LLC; Cohn, Delaire & Madoff, Inc.; Delta Fund I, L.P.; Madoff Brokerage & Trading Technologies LLC; Madoff Energy Holdings LLC; Madoff Energy III LLC; Madoff Energy IV LLC; Madoff Energy LLC; Madoff Family LLC (a/k/a Madoff Family Fund LLC); Madoff Realty LLC/Madoff Realty Associates/Madoff Realty Trust; Madoff Securities International Ltd.; Madoff Technologies LLC; Primex Holdings LLC; Realty Associates Madoff II; The Madoff Family Foundation (f/k/a Bernard L. and Ruth Madoff Foundation); Yacht Bull Corp (registered by Campbell Corporate Services LTD); Bernard L. Madoff; Ruth Madoff; Andrew Madoff; Mark Madoff; Peter Madoff; Marion Madoff; Shana Madoff (also Skoller or Swanson); Roger Madoff; Annette Bongiorno; Jo Ann “Jodi” Crupi; Eric Lipkin; Irwin Lipkin; Frank DiPascali; Erin Reardon; David Kugel; Belle Jones; Darlene Concepcion, or any other directors, employees, partners, corporate parent, subsidiaries and/or affiliates.

5. As used herein, the term “Cohn, Delaire & Madoff” shall mean and include Cohn, Delaire & Madoff, Inc., any current and former parent, subsidiary, affiliate, division, predecessor, successor, owner, principal, member, officer, director, shareholder, manager, agent or representative thereof.

6. “Complaint” means the First Amended Complaint filed by the Trustee in this adversary proceeding on October 8, 2009.

7. “Answer” means the Defendant’s Answer to the Complaint filed on October 14, 2011.

8. “Communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise), including without limitation: (a) conversations, meetings and discussions in person; (b) conversations, meetings and discussions by telephone or through telephonic messages; and (c) written and electronic correspondence, including communications by email.

9. “Concerning” means relating to, referring to, describing, evidencing or constituting.

10. “Debt” means liability on a claim, as defined in 11 U.S.C. § 101(12).

11. “Defendant,” “You” or “Your” shall mean Alvin J. Delaire, Jr., also known as Alvin “Sonny” Delaire and/or Sonny Delaire, as well as his agents and/or his representatives.

12. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

13. “Person” means any natural person or any legal entity including without limitation any business or governmental entity or association.



14. “Transfer” and “Transfers” mean any payment or payments made by BLMIS to Cohmad, including without limitation any funds, property, or other value conveyed to Cohmad by check, wire transfer, debit, credit to Cohmad, and/or the transfer or return to Cohmad of property, or through any other means by BLMIS.

15. “Subsequent Transfer” and “Subsequent Transfers” mean any Transfer or Transfers (as defined herein) conveyed by Cohmad to another person.

16. “Cohmad BLMIS Accounts” means the 1,378 BLMIS accounts referred to in Exhibits 1, 6 and 7 of the Complaint as well as any other BLMIS account held at any time and/or any account having any connection to BLMIS.

17. “Cohmad BLMIS Accountholder” means any individual or entity with a direct or indirect interest in any Cohmad BLMIS Account.

18. For all purposes herein, spelling, grammar, syntax, abbreviations, idioms and proper nouns shall be construed and interpreted to give proper meaning and consistency to its context.

19. The following rules of construction apply to these Requests:

- a. “Any” and “All” shall be deemed to include the other;
- b. “And” and “Or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Requests all responses that might otherwise be construed to be outside of its scope;
- c. “All” and “Each” shall be construed as “all and each”; and
- d. The singular form of any word includes the plural and *vice versa*.

20. Reference to any person that is not a natural person and is not otherwise defined herein refers to and includes any current or former parent, subsidiary, affiliate,

division, branch, agency, representative office, predecessor, successor, principal, member, director, officer, shareholder, manager, employee, attorney-in-fact, attorney, nominee, agent or representative of such person.

### **INSTRUCTIONS**

1. All documents shall be identified by the request to which they are primarily responsive or be produced as they are maintained in the usual course of business.
2. Produce all documents and all other materials described below in Your actual or constructive possession, custody, or control, including in the possession, custody or control of a current or former employee, wherever those documents and materials are maintained, including on personal computers, PDAs, wireless devices or web-based mail systems such as Gmail, Yahoo or the equivalent.
3. Produce all documents maintained on paper, electronically stored information, electronic mail and instant messaging platforms regardless of whether the electronic mail or instant messaging platform operates on Your own server or Bloomberg or Reuters or similar servers and platforms. Produce all documents, computerized data or content stored on electromagnetic media even if they are designated as drafts or as deleted. Produce all voicemail messages, audio files, all e-mail messages, text messages and all other formats, including without limitation, word processing, electronic spreadsheets, images, databases, digital photocopier memory and any other memory storage devices such as fax machines or scanners, intranet system data, internet system data, telephone or cellular telephone calling records or data compilations.

4. Produce the original of each document requested together with all non-identical copies and drafts of that document. If the original of a document cannot be located, a copy should be produced in lieu thereof and should be legible and bound or stapled in the same manner as the original. Multiple versions of documents, an e-mail or its attachment distributed to multiple recipients or any other non-identical copy of a document are separate documents within the meaning of this instruction.

5. Documents not otherwise responsive to these Requests should be produced if such documents mention, discuss, refer to, explain or concern one or more documents that are called for by these Requests, if such documents are attached to, enclosed with or accompany documents called for by these Requests or if such documents constitute routing slips, transmittal memoranda or letters, comments, evaluations or similar materials.

6. Documents attached to each other should not be separated; separate documents should not be attached to each other.

7. Documents should include all exhibits or appendices which are referenced in, attached to, included or are a part of the requested documents. Include all related content, including without limitation attachments to documents, linked documents and appended documents, as well as descriptions of each document's organization such as custodians, files, etc.

8. You should produce the original of each document requested. If the original of a document cannot be located or it is unreasonable to produce the original, a fair and accurate copy should be produced in lieu thereof.

9. If a request calls for information concerning a Transfer or Subsequent Transfer, redemption or withdrawal, include documents that reflect the account name and number for the account the funds were transferred from and to, method of transfer (i.e., wire, check, etc.), date of, amount and the reason for the Transfer or Subsequent Transfer, redemption or withdrawal.

10. If any document, or any part thereof, is not produced based on a claim of attorney-client privilege, work-product protection or any other privilege, then in answer to such request or part thereof, for each such document:

- a. Identify the type, title and subject matter of the document;
- b. State the place, date and manner of preparation of the document;
- c. Identify the author, addressee and recipient of the document;  
and
- d. State the nature of the legal privilege, or work-product protection and the factual basis for the claim.

11. With respect to each document to which an objection as to production is made, state the following:

- a. Nature of the document;
- b. Date of the document;
- c. Name and title of the person to whom the document was addressed and copied;
- d. Name and title of the person who prepared and/or sent the document;
- e. General subject matter of the document;
- f. All documents referred to or accompanying such documents;
- g. Number of pages in the document; and

h. Specific ground on which the objection is made.

12. No part of any request shall be left unanswered merely because an objection has been interposed to another part of the request.

13. If an objection is made to any request or part thereof under the Federal Rules of Bankruptcy Procedure 7034, the objection shall state with specificity all grounds for that objection.

14. If a request is objected to as unduly burdensome, You shall (i) indicate the nature of the burden involved in providing the response requested; and (ii) set forth a proposal as to a less burdensome response that would provide responsive information.

15. All requests herein incorporate Rules 7026-7037 of the Federal Rules of Bankruptcy Procedure, Rules 26-37 of the Federal Rules of Civil Procedure and Local Civil Rules for the United States Bankruptcy Court, Southern District of New York 7026-7037.

16. To the extent a document sought herein was at one time, but is no longer, in Your actual or constructive possession, custody, or control, state whether it: (i) is missing or lost; (ii) has been destroyed; (iii) has been transferred to others; and/or (iv) has been otherwise disposed of. In each instance, identify the document; state the time period during which it was maintained; state the circumstance surrounding authorization for such disposition thereof and the date thereof; identify each person having knowledge of the circumstances of the disposition thereof; and identify each person who had possession, custody or control of the document, to whom it was available or who had knowledge of the document and/or the contents thereof. Documents prepared prior to,

but which relate or refer to, the time period covered by these documents are to be identified and produced.

17. Unless otherwise limited herein, the relevant time period applicable to these demands is January 1, 1960 to the present.

18. These Requests are deemed to be continuing and all disclosures and responses must be supplemented in accordance with Federal Rule of Civil Procedure 26(e).

### **MANNER OF PRODUCTION**

All documents produced to the Trustee shall be provided in either native file (“native”) or single-page 300 dpi-resolution group IV TIF format (“tiff”) format as specified below, along with appropriately formatted industry-standard database load files, and accompanied by true and correct copies or representations of unaltered attendant metadata. Where documents are produced in tiff format, each document shall be produced along with a multi-page, document-level searchable text file (“searchable text”) as rendered by an industry-standard text extraction program in the case of electronic originals or by an industry-standard Optical Character Recognition (“ocr”) program in the case of scanned paper documents. Searchable text of documents shall not be produced as fielded data within the “.dat file” as described below.

1. **Database load files and production media structure**

Database load files shall consist of: (1) a comma-delimited values (“.dat”) file containing: production document identifier information, data designed to preserve “parent and child” relationships within document “families”, reasonably accessible and properly

preserved metadata (or bibliographic coding in the case of paper documents), custodian or document source information, as well as native file loading/linking information (where applicable); and (2) an Opticon (“opt”) file to facilitate the loading of tiff images. Load files should be provided in a root-level folder named “Data”, images shall be provided within a root level “Images” folder containing reasonably structured subfolders, and searchable text files shall be provided in a single root-level “Text” folder.

2. Electronic documents and data, generally

Documents and other responsive data or materials created, stored, or displayed on electronic or electro-magnetic media shall be produced in the order in which the documents are or were stored in the ordinary course of business, including all reasonably accessible metadata, custodian or document source information, and searchable text as to allow the Trustee through a reasonable and modest effort, to fairly, accurately and completely access, search and display, comprehend and assess the documents’ true and original content.

3. Emails and attachments, and other email account-related documents

All documents and accompanying metadata created and/or stored in the ordinary course of business within commercial, off-the-shelf e-mail systems including but not limited to Microsoft Exchange™, Lotus Notes™ or Novell Groupwise™ shall be produced in tiff format, accompanying metadata, and searchable text files or, alternately, in a format that fairly, accurately, and completely represents each document in such a manner as to make the document reasonably useable, manageable, and comprehensible by the Trustee.

4. Documents and data created or stored in or by structured electronic databases

With the exclusion of email and email account-related documents and data, all documents and accompanying metadata created and/or stored in structured electronic databases or files shall be produced in a format that enables the Trustee to reasonably manage and import those documents into a useable, coherent database. The documents must be accompanied with reasonably detailed, clear and focused documentation explaining the documents' content and format including but not limited to data dictionaries and diagrams. Some acceptable formats, if and only if provided with definitive file, table and field level schemas include:

- (a) XML format files;
- (b) Microsoft SQL databases;
- (c) Access databases; and/or
- (d) fixed or variable length ASCII delimited files.

5. Spreadsheets, multimedia, and non-standard file types

All documents generated or stored in software such as Microsoft Excel or other commercially available spreadsheet programs, as well as any multimedia files such as audio or video, shall be produced in their native format, along with an accompanying placeholder image in tiff format indicating a native file has been produced. A "Nativelink" entry shall be included in the .dat load file indicating the relative file path to each native file on the production media. To the extent the party has other file types that do not readily or easily and accurately convert to tiff and searchable text, the party may elect to produce those files in native format subject to the other requirements listed



herein. Native files may be produced within a separate root-level folder structure on deliverable media entitled “Natives.”

6. “Other” electronic documents

All other documents and accompanying metadata and embedded data created or stored in unstructured files generated by commercially available software systems (excluding e-mails, structured electronic databases, spreadsheets, or multimedia) such as but not limited to word processing (such as Microsoft Word), image files (such as Adobe .pdf files, and other formats), and text files shall be produced in tiff and searchable text format in the order the files are or were stored in the ordinary course of business.

7. Paper documents

Documents originally created or stored on paper shall be produced in tiff format. Relationships between documents shall be identified within the Relativity .dat file utilizing document identifier numbers to express parent document/child attachment boundaries, folder boundaries, and other groupings. In addition, the searchable text of each document shall be provided as a multi-page text file as provided for by these instructions.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All documents and/or communications concerning any securities and/or brokerage license(s) or registration(s) held by You, including without limitation, dates of licenses or registration and current status of licenses or registrations.

2. All documents and/or communications concerning the organization, formation and structure of Cohmad.

3. All documents and/or communications concerning Your ownership of Cohmad.
4. All documents and/or communications concerning Your duties and responsibilities at Cohmad, including without limitation, Your duties and responsibilities as a Registered Representative of Cohmad.
5. All documents concerning the organization, formation, structure and business of Cohn, Delaire & Madoff.
6. All documents concerning Your association, registration and/or employment within the financial industry.
7. All documents and/or communications concerning Cohmad BLMIS Accounts opened, originated or referred by You.
8. All documents and/or communications concerning Cohmad BLMIS Accounts for which You were listed as the registered representative.
9. All tax returns prepared by or for Defendant.
10. All documents concerning Defendant's investment decisions or strategies.
11. All documents and/or communications concerning sales strategies of the Cohmad Representatives.
12. All documents and/or communications concerning solicitation of clients or potential clients, rejected or otherwise.
13. All documents concerning Cohmad BLMIS Accountholder qualifications.

14. All documents and/or communications concerning the promotion or marketing of Cohmad, BLMIS and/or Madoff.

15. All documents and/or communications concerning accounting firm or accountant referrals for Cohmad BLMIS Accountholders.

16. All documents and/or communications concerning any investment account maintained by or for the benefit of Defendant.

17. All documents and/or communications concerning any customer account referred by Cohmad to BLMIS or maintained by Cohmad, including without limitation the Cohmad BLMIS Accounts.

18. All documents and/or communications concerning statements and/or trade confirmations for the Cohmad BLMIS Accounts.

19. All documents and/or communications concerning monies, commissions, remuneration and/or other benefits conferred upon You by Cohmad, BLMIS and/or Madoff.

20. All documents and/or communications concerning monies, commissions, remuneration and/or other benefits conferred upon Cohmad's Representatives.

21. All documents concerning Defendant's bank accounts or brokerage accounts in which any funds or other consideration was received and/or transferred from and/or provided by BLMIS or Cohmad.

22. All documents and/or communications concerning Your selection of BLMIS investments.

23. All documents and/or communications concerning selection of BLMIS as an asset manager.

24. All documents and/or communications concerning any account ever held by Defendant with BLMIS.

25. All documents and/or communications concerning any account ever held by Defendant with Cohmad.

26. All documents and/or communications concerning the performance of BLMIS, including without limitation, any bookkeeping of BLMIS's trades, assets and/or returns.

27. All documents and/or communications concerning any inquiry, request for documents, subpoena, investigation, arbitration or litigation concerning Defendant, Cohmad or BLMIS.

28. All documents concerning any communication and/or agreements between Defendant and any other person concerning Cohmad and/or BLMIS.

29. All documents concerning communications between Defendant and BLMIS concerning any account held or maintained by BLMIS.

30. All documents and/or communications concerning any social or personal relationship between Defendant and BLMIS.

31. All documents and/or communications concerning any social or personal relationship between Defendant and Madoff.

32. All documents and/or communications concerning meetings between Defendant and BLMIS, including, but not limited to, meetings during which other persons were also present.

33. All documents and/or communications relating to Your employment or engagement with Cohmad and/or BLMIS.

34. All documents and/or communications relating to any training and sale strategies during Your employment or engagement with Cohmad and/or BLMIS.

35. All documents and/or communications concerning complaints or questions from investors received by Defendant or Cohmad regarding BLMIS or Madoff.

36. All documents and/or communications concerning any instructions given to clients or prospective clients not to contact BLMIS or Madoff.

37. All documents and/or communications concerning any efforts by You, Cohmad Representatives and/or Cohmad to analyze the purported trading activity and/or other operations conducted by BLMIS and/or Madoff.

38. All documents and/or communications concerning the investment strategies of BLMIS and/or Madoff.

39. All documents and/or communications concerning the “Cohmad Cash Database,” as defined in the Complaint at Paragraph 69, including, without limitation account payment schedules, statements and/or reports.

40. All documents and/or communications between Defendant and/or the Cohmad Representatives on the one hand and Cohmad BLMIS Accountholders on the other.

41. All documents and/or communications between Defendant and/or the Cohmad Representatives on the one hand and prospective investors in either Cohmad or BLMIS on the other.

42. All documents and/or communications concerning BLMIS's financial condition, solvency or ability to timely pay its debts.
43. All documents and/or communications concerning any corporate or financial inconsistencies, discrepancies or irregularities concerning BLMIS.
44. All documents and/or communications concerning investigations and/or examinations of BLMIS, including, without limitation, any due diligence, advisory opinions, research, advice or warnings concerning BLMIS or its investments.
45. All documents and/or communications between Defendant and Cohmad's accountants and/or auditors regarding BLMIS and/or Madoff.
46. All documents and/or communications concerning the disclosure or non-disclosure of BLMIS and/or Madoff in promotion or marketing materials.
47. All documents and/or communications concerning any refusal by BLMIS or Madoff to personally meet with clients or prospective investors.
48. All documents and/or communications concerning industry or market rate of returns on investments during the relevant time period.
49. All documents and/or communications concerning Defendant's receipt and review of BLMIS-related account statements and/or trade confirmations.
50. All documents and/or communications concerning the clearance of trades by Cohmad.
51. All documents and/or communications concerning the clearance of trades by or on behalf of BLMIS.

52. All documents and/or communications concerning BLMIS's performance that was provided to Cohmad BLMIS Account Holders.

53. To the extent not previously requested, all documents and/or communications concerning each Transfer, including without limitation the date of the Transfer, the amount of the Transfer, the account name and account number for the account the funds were transferred from, the account name and account number the funds were transferred to, the method of transfer (wire, check, etc.) and the reason for the Transfer.

54. All documents and/or communications concerning each Subsequent Transfer, including without limitation the date of the Subsequent Transfer, the amount of the Subsequent Transfer, the account name and account number for the account the funds were transferred from, the account name and account number for the account the funds were transferred to, the method of transfer (wire, check, etc.) and reason for the Subsequent Transfer.

55. To the extent not previously requested, all documents and/or communications that support or otherwise are relevant to any of the defenses raised by Defendant in this action, including without limitation, Affirmative Defenses One through Thirty-Seven in Defendant's Answer to the Complaint.

56. To the extent not previously requested, all documents and/or communications concerning BLMIS.

57. To the extent not previously requested, all documents and/or communications concerning Cohmad.

58. To the extent not previously requested, all documents and/or communications between Defendant and BLMIS.

59. To the extent not previously requested, all documents and/or communications between Defendant and Cohmad.

Date: New York, New York  
December 22, 2011

Of Counsel:

Lan Hoang  
Email: lhoang@bakerlaw.com  
Michelle R. Kaplan  
Email: mkaplan@bakerlaw.com  
Carrie Longstaff  
Email: clongstaff@bakerlaw.com  
Tatiana Markel  
Email: tmarkel@bakerlaw.com  
Jessie A. Schweller  
Email: jschweller@bakerlaw.com

By /s/ Oren J. Warshavsky

**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
Oren J. Warshavsky  
Email: owarshavsky@bakerlaw.com  
Brian F. Allen  
Email: ballen@bakerlaw.com  
Lindsey A. Shoshany  
Email: lshoshany@bakerlaw.com  
Dominic A. Gentile  
Email: dgentile@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and Bernard L. Madoff*



**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served this  
22<sup>nd</sup> day of December, 2011 by electronic mail upon the following:

Counsel to Defendant Alvin J. Delaire, Jr.

Mark A. Blount

Email: mblount@tesslercohen.com

John J. Lavin

Email: jlavin@tesseractcohen.com

s/Dawn Larkin-Wallace

Dawn Larkin-Wallace

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

COHMAD SECURITIES CORPORATION, *et al.*,

Defendants.

No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 09-01305 (BRL)

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**TRUSTEE IRVING H. PICARD'S FIRST SET OF REQUESTS FOR THE  
PRODUCTION OF DOCUMENTS TO CAROL DELAIRE**

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**PLEASE TAKE NOTICE** that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Rule 7034 of the Federal Rules of Bankruptcy Procedure and the Local Civil Rules of this Court, Irving H. Picard, Trustee (the "Trustee") for the Liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS"), requests that Carol Delaire ("Defendant," "You" or "Your") produce documents responsive to the document requests set forth herein, as well as a privilege log (if necessary) and deliver the same to the office of Baker Hostetler LLP, c/o Oren J. Warshavsky, 45 Rockefeller Plaza, New York, New York 10111 within 30 days hereof.

**DEFINITIONS**

1. The definitions contained in Rule 26.3 of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, as adopted in Rule 7026-1 of the Local Bankruptcy Rules for the Southern District of New York, are hereby incorporated by reference.

2. "Defendant," "You" or "Your" shall mean Carol Delaire, her agents, and/or representatives.

3. As used herein, the term "Cohmad" shall mean and include Cohmad Securities Corporation, any current and former parent, subsidiary, affiliate, division, predecessor, successor, owner, principal, member, officer, director, shareholder, manager, agent or representative thereof, including without limitation M.C. Securities

Corporation. The term “Cohmad” shall also include all of the Cohmad Representatives, as that term is defined herein.

4. As used herein, the term “Cohmad Representative” shall include all employees of Cohmad, including without limitation, Maurice “Sonny” Cohn, Marcia Cohn, Robert Jaffe, Stanley Merwin Berman, Richard Spring, Alvin “Sonny” Delaire, Jonathan Greenberg, Cyril Jalon, Morton Kurzrok, Linda Schoenheimer McCurdy and Rosalie Buccellato.

5. “BLMIS” refers to Bernard L. Madoff Investment Securities LLC and any and all related persons and entities affiliated with BLMIS, including without limitation: Abtech Industries Inc.; BLM Air Charter LLC; Blumenfeld Development Group; BREA Associates LLC; Cohn, Delaire & Madoff, Inc.; Delta Fund I, L.P.; Madoff Brokerage & Trading Technologies LLC; Madoff Energy Holdings LLC; Madoff Energy III LLC; Madoff Energy IV LLC; Madoff Energy LLC; Madoff Family LLC (a/k/a Madoff Family Fund LLC); Madoff Realty LLC/Madoff Realty Associates/Madoff Realty Trust; Madoff Securities International Ltd.; Madoff Technologies LLC; Primex Holdings LLC; Realty Associates Madoff II; The Madoff Family Foundation (f/k/a Bernard L. and Ruth Madoff Foundation); Yacht Bull Corp (registered by Campbell Corporate Services LTD); Bernard L. Madoff; Ruth Madoff; Andrew Madoff; the late Mark Madoff; Peter Madoff; Marion Madoff; Shana Madoff (also Skoller or Swanson); Roger Madoff; Annette Bongiorno; Jo Ann “Jodi” Crupi; Eric Lipkin; Irwin Lipkin; Frank DiPascali; Erin Reardon; David Kugel; Belle Jones; Darlene Concepcion, or any other directors, employees, partners, corporate parent, subsidiaries and/or affiliates.

6. “Complaint” means the First Amended Complaint filed by the Trustee in this adversary proceeding on October 8, 2009.

7. “Answer” means the Defendant’s Answer to the Complaint filed on October 14, 2011.

8. “Communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise), including without limitation: (a) conversations, meetings and discussions in person; (b) conversations, meetings and discussions by telephone or through telephonic messages; and (c) written and electronic correspondence, including communications by e-mail.

9. “Concerning” means relating to, referring to, describing, evidencing or constituting.

10. “Debt” means liability on a claim, as defined in 11 U.S.C. § 101(12).

11. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

12. “Person” means any natural person or any legal entity including without limitation any business or governmental entity or association.

13. “Transfer” and “Transfers” mean any payment or payments made by BLMIS to Defendant, including without limitation any funds, property, or other value conveyed to Defendant by check, wire transfer, debit, credit to Defendant’s Accounts (as

that term is defined herein), and/or the transfer or return to Defendant of property, or through any other means by BLMIS.

14. “Subsequent Transfer” and “Subsequent Transfers” mean any Transfer or Transfers (as defined herein) by Cohmad to another person.

15. The “Accounts” means the BLMIS accounts set forth in Exhibit 1 to the Complaint and/or any other BLMIS account in which Defendant has an interest, including without limitation the accounts bearing numbers 1D0014, 1D0015 and 1H0044.

16. Unless otherwise limited herein, the relevant time period applicable to these demands is the period between and including the date on which Defendant first invested with BLMIS and/or Cohmad through the present.

17. For all purposes herein, spelling, grammar, syntax, abbreviations, idioms and proper nouns shall be construed and interpreted to give proper meaning and consistency to its context.

18. The following rules of construction apply to these Requests:

- a. “Any” and “All” shall be deemed to include the other;
- b. “And” and “Or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Requests all responses that might otherwise be construed to be outside of its scope;
- c. “All” and “Each” shall be construed as “all and each”; and
- d. The singular form of any word includes the plural and *vice versa*.

19. Reference to any person that is not a natural person and is not otherwise defined herein refers to and includes any current or former parent, subsidiary, affiliate, division, branch, agency, representative office, predecessor, successor, principal,

member, director, officer, shareholder, manager, employee, attorney-in-fact, attorney, nominee, agent or representative of such person.

**INSTRUCTIONS**

1. All documents shall be identified by the request to which they are primarily responsive or be produced as they are maintained in the usual course of business.
2. Produce all documents and all other materials described below in Your actual or constructive possession, custody, or control, including in the possession, custody or control of a current or former employee, wherever those documents and materials are maintained, including on personal computers, PDAs, wireless devices or web-based mail systems such as Gmail, Yahoo or the equivalent.
3. Produce all documents maintained on paper, electronically stored information, electronic mail and instant messaging platforms regardless of whether the electronic mail or instant messaging platform operates on Your own server or Bloomberg or Reuters or similar servers and platforms. Produce all documents, computerized data or content stored on electromagnetic media even if they are designated as drafts or as deleted. Produce all voice-mail messages, audio files, all e-mail messages, text messages and all other formats, including without limitation, word processing, electronic spreadsheets, images, databases, digital photocopier memory and any other memory storage devices such as fax machines or scanners, intranet system data, internet system data, telephone or cellular telephone calling records or data compilations.
4. Produce the original of each document requested together with all non-identical copies and drafts of that document. If the original of a document cannot be

located, a copy should be produced in lieu thereof and should be legible and bound or stapled in the same manner as the original. Multiple versions of documents, an e-mail or its attachment distributed to multiple recipients or any other non-identical copy of a document are separate documents within the meaning of this instruction.

5. Documents not otherwise responsive to these Requests should be produced if such documents mention, discuss, refer to, explain or concern one or more documents that are called for by these Requests, if such documents are attached to, enclosed with or accompany documents called for by these Requests or if such documents constitute routing slips, transmittal memoranda or letters, comments, evaluations or similar materials.

6. Documents attached to each other should not be separated; separate documents should not be attached to each other.

7. Documents should include all exhibits or appendices which are referenced in, attached to, included or are a part of the requested documents. Include all related content, including without limitation attachments to documents, linked documents and appended documents, as well as descriptions of each document's organization such as custodians, files, etc.

8. You should produce the original of each document requested. If the original of a document cannot be located or it is unreasonable to produce the original, a fair and accurate copy should be produced in lieu thereof.

9. If a request calls for information concerning a Transfer or Subsequent Transfer, redemption or withdrawal, include documents that reflect the account name and



number for the account the funds were transferred from and to, method of transfer (i.e., wire, check, etc.), date of, amount and the reason for the Transfer or Subsequent Transfer, redemption or withdrawal.

10. If any document, or any part thereof, is not produced based on a claim of attorney-client privilege, work-product protection or any other privilege, then in answer to such request or part thereof, for each such document:

- a. Identify the type, title and subject matter of the document;
- b. State the place, date and manner of preparation of the document;
- c. Identify the author, addressee and recipient of the document;  
and
- d. State the nature of the legal privilege, or work-product protection and the factual basis for the claim.

11. With respect to each document to which an objection as to production is made, state the following:

- a. Nature of the document;
- b. Date of the document;
- c. Name and title of the person to whom the document was addressed and copied;
- d. Name and title of the person who prepared and/or sent the document;
- e. General subject matter of the document;
- f. All documents referred to or accompanying such documents;
- g. Number of pages in the document; and
- h. Specific ground on which the objection is made.

12. No part of any request shall be left unanswered merely because an objection has been interposed to another part of the request.

13. If an objection is made to any request or part thereof under the Federal Rules of Bankruptcy Procedure 7034, the objection shall state with specificity all grounds for that objection.

14. If a request is objected to as unduly burdensome, You shall (i) indicate the nature of the burden involved in providing the response requested; and (ii) set forth a proposal as to a less burdensome response that would provide responsive information.

15. All requests herein incorporate Rules 7026-7037 of the Federal Rules of Bankruptcy Procedure, Rules 26-37 of the Federal Rules of Civil Procedure and Local Civil Rules for the United States Bankruptcy Court, Southern District of New York 7026-7037.

16. To the extent a document sought herein was at one time, but is no longer, in Your actual or constructive possession, custody, or control, state whether it: (i) is missing or lost; (ii) has been destroyed; (iii) has been transferred to others; and/or (iv) has been otherwise disposed of. In each instance, identify the document; state the time period during which it was maintained; state the circumstance surrounding authorization for such disposition thereof and the date thereof; identify each person having knowledge of the circumstances of the disposition thereof; and identify each person who had possession, custody or control of the document, to whom it was available or who had knowledge of the document and/or the contents thereof. Documents prepared prior to, but which relate or refer to, the time period covered by these documents are to be identified and produced.

17. These Requests are deemed to be continuing and all disclosures and responses must be supplemented in accordance with Federal Rule of Civil Procedure Rule 26(e).

### **MANNER OF PRODUCTION**

All documents produced to the Trustee shall be provided in either native file (“native”) or single-page 300 dpi-resolution group IV TIF format (“tiff”) format as specified below, along with appropriately formatted industry-standard database load files, and accompanied by true and correct copies or representations of unaltered attendant metadata. Where documents are produced in tiff format, each document shall be produced along with a multi-page, document-level searchable text file (“searchable text”) as rendered by an industry-standard text extraction program in the case of electronic originals or by an industry-standard Optical Character Recognition (“ocr”) program in the case of scanned paper documents. Searchable text of documents shall not be produced as fielded data within the “.dat file” as described below.

1. **Database load files and production media structure**

Database load files shall consist of: (1) a comma-delimited values (“.dat”) file containing: production document identifier information, data designed to preserve “parent and child” relationships within document “families”, reasonably accessible and properly preserved metadata (or bibliographic coding in the case of paper documents), custodian or document source information, as well as native file loading/linking information (where applicable); and (2) an Opticon (“.opt”) file to facilitate the loading of tiff images. Load files should be provided in a root-level folder named “Data”, images shall be provided within a root level “Images” folder containing reasonably structured subfolders, and

searchable text files shall be provided in a single root-level "Text" folder.

2. Electronic documents and data, generally

Documents and other responsive data or materials created, stored, or displayed on electronic or electro-magnetic media shall be produced in the order in which the documents are or were stored in the ordinary course of business, including all reasonably accessible metadata, custodian or document source information, and searchable text as to allow the Trustee through a reasonable and modest effort, to fairly, accurately and completely access, search and display, comprehend and assess the documents' true and original content.

3. E-mails and attachments, and other e-mail account-related documents

All documents and accompanying metadata created and/or stored in the ordinary course of business within commercial, off-the-shelf e-mail systems including but not limited to Microsoft Exchange™, Lotus Notes™ or Novell Groupwise™ shall be produced in tiff format, accompanying metadata, and searchable text files or, alternately, in a format that fairly, accurately, and completely represents each document in such a manner as to make the document reasonably useable, manageable, and comprehensible by the Trustee.

4. Documents and data created or stored in or by structured electronic databases

With the exclusion of e-mail and e-mail account-related documents and data, all documents and accompanying metadata created and/or stored in structured electronic databases or files shall be produced in a format that enables the Trustee to reasonably manage and import those documents into a useable, coherent database. The documents

must be accompanied with reasonably detailed, clear and focused documentation explaining the documents' content and format including but not limited to data dictionaries and diagrams. Some acceptable formats, if and only if provided with definitive file, table and field level schemas include:

- (a) XML format files;
- (b) Microsoft SQL databases;
- (c) Access databases; and/or
- (d) fixed or variable length ASCII delimited files.

5. Spreadsheets, multimedia, and non-standard file types

All documents generated or stored in software such as Microsoft Excel or other commercially available spreadsheet programs, as well as any multimedia files such as audio or video, shall be produced in their native format, along with an accompanying placeholder image in tiff format indicating a native file has been produced. A

"Nativelink" entry shall be included in the .dat load file indicating the relative file path to each native file on the production media. To the extent the party has other file types that do not readily or easily and accurately convert to tiff and searchable text, the party may elect to produce those files in native format subject to the other requirements listed herein. Native files may be produced within a separate root-level folder structure on deliverable media entitled "Natives."

6. "Other" electronic documents

All other documents and accompanying metadata and embedded data created or stored in unstructured files generated by commercially available software systems

(excluding e-mails, structured electronic databases, spreadsheets, or multimedia) such as but not limited to word processing (such as Microsoft Word), image files (such as Adobe .pdf files, and other formats), and text files shall be produced in tiff and searchable text format in the order the files are or were stored in the ordinary course of business.

7. Paper documents

Documents originally created or stored on paper shall be produced in tiff format. Relationships between documents shall be identified within the Relativity .dat file utilizing document identifier numbers to express parent document/child attachment boundaries, folder boundaries, and other groupings. In addition, the searchable text of each document shall be provided as a multi-page text file as provided for by these instructions.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All documents and/or communications concerning the Accounts, including without limitation, account statements, trade confirmations or other summaries or reports of the financial performance, status, value, balance or amount of the Accounts.
2. All documents and/or communications concerning any investment account maintained by or for the benefit of Defendant.
3. All documents and/or communications concerning any bank accounts held by or for the benefit of Defendant.
4. All financial statements prepared by or for the benefit of Defendant, including, without limitation, all drafts, supporting schedules, work papers, journal entries, account ledgers and trial balances.
5. All tax returns prepared by or for Defendant.

6. All documents and/or communications concerning the promotion or marketing of Cohmad and/or BLMIS.
7. All documents and/or communications concerning Cohmad's and/or BLMIS's offering statements.
8. All documents and/or communications concerning any Transfers between Defendant and any person.
9. All documents and/or communications concerning any Transfers between Defendant and BLMIS.
10. All documents and/or communications concerning any Transfers between Defendant and Cohmad.
11. All documents and/or communications concerning Cohmad's and/or BLMIS's compliance with statutory and regulatory obligations.
12. All documents and/or communications concerning management fees, administrative fees, performance fees, remuneration and/or other benefits paid to any person as a result monies invested in the Accounts.
13. All documents and/or communications concerning the performance of BLMIS and/or Cohmad.
14. All documents and/or communications concerning any efforts by You and/or Cohmad to analyze, investigate, evaluate or examine the purported trading activity and/or other operations conducted by BLMIS and/or Madoff.
15. All documents and/or communications concerning the investment strategies of Defendant.

16. All documents and/or communications concerning the investment strategies of BLMIS and/or Cohmad.
17. All documents and/or communications between Defendant and her representatives and/or agents.
18. All documents and/or communications between Defendant and BLMIS.
19. All documents and/or communications between Defendant and Cohmad.
20. All documents and/or communications from any accountants, auditors, accounting firms or auditing firms concerning Defendant, Cohmad and/or BLMIS.
21. To the extent not previously requested, all documents and/or communications concerning each Transfer, including without limitation the date of the Transfer, the amount of the Transfer, the account name and account number for the account the funds were transferred from, the account name and account number the funds were transferred to, the method of transfer (wire, check, etc.) and the reason for the Transfer.
22. All documents and/or communications concerning each Subsequent Transfer, including without limitation the date of the Subsequent Transfer, the amount of the Subsequent Transfer, the account name and account number for the account the funds were transferred from, the account name and account number for the account the funds were transferred to, the method of transfer (wire, check, etc.) and reason for the Subsequent Transfer.
23. All documents and/or communications concerning any inquiry, request for documents, subpoena, investigation, arbitration or litigation concerning Defendant, Cohmad and/or BLMIS.



24. To the extent not previously requested, all documents and/or communications that support or otherwise are relevant to any and all defenses raised by You in this action, including without limitation those identified as Affirmative Defenses One through Thirty-Six in Your Answer to the Complaint.

25. To the extent not previously requested, all documents that were or should be identified pursuant to Rule 26(a) by or in Defendant's Initial Disclosures.

26. To the extent not previously requested, all documents and/or communications concerning BLMIS.

27. To the extent not previously requested, all documents and/or communications concerning Cohmad.

Date: New York, New York  
December 22, 2011

Of Counsel:  
Lan Hoang  
E-mail: lhoang@bakerlaw.com  
Michelle R. Kaplan  
E-mail: mkaplan@bakerlaw.com  
Carrie Longstaff  
E-mail: clongstaff@bakerlaw.com  
Tatiana Markel  
E-mail: tmarkel@bakerlaw.com  
Jessie A. Schweller  
E-mail: jschweller@bakerlaw.com

By /s/ Oren J. Warshavsky  
**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
Oren J. Warshavsky  
E-mail: owarshavsky@bakerlaw.com  
Brian F. Allen  
E-mail: ballen@bakerlaw.com  
Lindsey A. Shoshany  
E-mail: lshoshany@bakerlaw.com  
Dominic A. Gentile  
E-mail: dgentile@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and Bernard L. Madoff*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served this  
22<sup>nd</sup> day of December, 2011 by electronic mail upon the following:

Counsel to Defendants Alvin Delaire and Carol Delaire

Mark A. Blount

E-mail: mblount@tesseractcohen.com

John J. Lavin

E-mail: jlavin@tesseractcohen.com

s/Dawn Larkin-Wallace

Dawn Larkin-Wallace

## **EXHIBIT B**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

COHMAD SECURITIES CORPORATION,  
et al.,

Defendants.

Index No. 08-01789 (BRL)

Adv. Pro. No. 09-01305 (BRL)

**ALVIN DELAIRE'S RESPONSES AND OBJECTIONS TO TRUSTEE IRVING H.  
PICARD'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rules 7026 and 7034 of the Federal Rules of Bankruptcy Procedure, Defendant Alvin Delaire ("Defendant"), by and through his counsel, hereby submits the following responses and objections to Trustee Irving H. Picard's First Set of Requests for the Production of Documents (the "Requests").

**GENERAL RESPONSES AND OBJECTIONS**

Defendant objects generally to the Requests to the extent specified below. All of the responses to individual requests that follow are made subject to these General Objections.

1. Defendant objects to the Requests to the extent that they purport to seek information and/or the production of documents, or portions thereof, that are protected from discovery by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege. Inadvertent disclosure of such documents shall not constitute waiver of the applicable privilege, and Defendant reserves any right to recall such document(s) produced through inadvertence.

2. Defendant objects to the Requests to the extent that they purport to seek documents that are not relevant to the claims or the defenses in this action or reasonably calculated to lead to the discovery of admissible evidence.

3. Defendant objects to the Requests to the extent that they are vague, ambiguous, overbroad, unduly burdensome, oppressive, and harassing, or seek cumulative or duplicative information.

4. Defendant objects to the Requests, including but not limited to the Definitions and Instructions, to the extent that they purport to seek documents not in Defendant's possession, custody, or control, and Defendant disclaims any obligation to produce such documents.

5. Defendant objects to the Requests to the extent they seek information that is already in the possession of Trustee Irving H. Picard ("Plaintiff"), publicly available, or which is otherwise readily accessible to Plaintiff.

6. Defendant objects to the Requests to the extent that they seek disclosure of trade secrets, proprietary business information, or other private, confidential information. Defendant also objects to the Requests to the extent they seek proprietary and otherwise confidential information belonging to any third party, if such third party information is in Defendant's possession, custody, or control and is subject to non-disclosure agreements.

7. Defendant objects to the Requests to the extent they seek disclosure of information that is protected from disclosure by applicable law, and because production of this information could violate certain privacy rights.

8. Defendant objects to the Requests, including, but not limited to Instruction No. 3, to the extent that they might seek to require Defendant to produce substantive metadata or search electronic archives; back-up tapes, discs or drives; deleted data; optical platter disks; or legacy data from obsolete systems for responsive documents. These types of media are not reasonably accessible and would entail undue burden and expense to restore or otherwise search.

9. Defendant objects to the Requests, including the Definitions, Instructions and Manner of Production contained therein, to the extent that they purport to impose requirements and obligations in excess of those required or authorized by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, or the Local Rules of this Court.

10. All objections regarding electronically-stored information (“ESI”) are subject to the obligation of the parties to meet and confer and develop protocols for the production of ESI, and Defendant objects to the Requests to the extent they require repetitive searches of electronic records or would require production of ESI prior to the development of a satisfactory protocol.

11. Defendant objects to the Requests to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that they state or assume legal conclusions.

12. Defendant objects to the Requests to the extent they purport to call for the production of documents or information not created by Defendant in the usual course of business and, in particular, to the extent the Requests purport to require Defendant to create documents or information including, but not limited to, compiling or condensing information from his records.

13. Defendant objects to the Requests to the extent that they seek “all documents” related to or referring to certain time periods, events, transactions, or subjects because such requests are overly broad, subject Defendant to undue burden and expense, and seek to impose obligations on Defendant beyond what is required by the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure.

14. Defendant objects to the definition of the various entities on the ground that it is overly broad. Defendant will construe various entities to mean only the named entity and its employees.

15. Defendant objects to the definition of “Defendant,” “You,” and “Your” to the extent that it is defined to include Defendant’s agents and representatives, whose identities may not be readily identifiable from a search of documentary records. Defendant will construe “Defendant,” “You,” and “Your” to include only Alvin Delaire.

16. Defendant objects to Definition 19 on the ground that it is overly broad. Defendant will construe references to any person that is not a natural person and is not otherwise defined in the Requests to mean the specified person and employees of that person.

17. Defendant objects to Instruction No. 2 to the extent that it would require Defendant to conduct searches of media not in his possession, custody, or control.

18. Defendant objects to Instruction Nos. 4 and 8 on the ground that they seek the originals of all responsive documents. Defendant will retain originals of all responsive documents and produce copies of each such original.

19. Defendant objects to Instruction No. 5 to the extent that it imposes obligations beyond those required by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court and seeks documents that are neither relevant to the

claims or the defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence.

20. Defendant objects to Instruction No. 10 to the extent that it imposes obligations beyond those required by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court. Defendant will produce a privilege log in accordance with such rules if responsive, privileged documents are withheld from production.

21. Defendant objects to Instruction Nos. 11, 14 and 16 on the ground that they impose obligations beyond those required by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court.

22. Defendant objects to the Manner of Production section of the Request on ground that it is premature and attempts to unilaterally impose obligations that are properly addressed through the meet-and-confer process. The parties are obligated to meet and confer to develop protocols for the production of ESI, and Defendant objects to the Manner of Production section to the extent it purports to require that ESI be produced in a particular format before the parties have met, conferred, and developed a satisfactory production protocol.

23. Defendant objects to the Requests being “continuing” to the extent it imposes obligations beyond those of the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, or the Local Rules of this Court.

24. Defendant objects to the relevant time period identified in the Requests on the grounds that it seeks documents that are neither relevant to the claims or the defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the relevant time period identified in the Requests as overly broad and unduly



burdensome. Defendant will meet and confer with Plaintiff in good faith in order to arrive at a mutually agreeable time period for Defendant's response to the Requests.

25. Defendant reserves the right to supplement any production of documents and to amend or supplement his responses and objections to the Requests if necessary or appropriate.

26. These Objections and Responses are given without conceding the relevancy, materiality, or admissibility of the subject matter of any request or response, and are given without prejudice to Defendant's rights to object to further discovery or to the admission of any evidence or proof concerning the subject matter of any request or response.

27. Defendant remains willing to discuss with Plaintiff any objection and to work cooperatively to resolve areas of disagreement.

28. Neither the fact that an objection is interposed to a particular request nor the fact that no objection is interposed necessarily means that responsive information, documents, or statements exist in Defendant's possession, custody, and control.

**Request No. 1:**

All documents and/or communications concerning any securities and/or brokerage license(s) or registration(s) held by You, including without limitation, dates of licenses or registration and current status of licenses or registrations.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 2:**

All documents and/or communications concerning the organization, formation and structure of Cohmad.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

**Request No. 3:**

All documents and/or communications concerning Your ownership of Cohmad.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 4:**

All documents and/or communications concerning Your duties and responsibilities at Cohmad, including without limitation, Your duties and responsibilities as Registered Representative.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 5:**

All documents concerning the organization, formation, structure and business of Cohn, Delaire and Madoff.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

**Request No. 6:**

All documents concerning Your association, registration and/or employment within the financial industry.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim

or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 7:**

All documents and/or communications concerning Cohmad BLMIS Accounts opened, originated or referred by You.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 8:**

All documents and/or communications concerning Cohmad BLMIS Accounts for which You were listed as the registered representative.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 9:**

All tax returns prepared by or for Defendant.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that there is no compelling need to justify production of tax returns because any relevant information contained in such returns can be readily obtained through other sources.

**Request No. 10:**

All documents concerning Defendant's investment decisions or strategies.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims in this action. Defendant objects to this request on the ground that the term "investment strategies" as used in this request is vague and ambiguous.

**Request No. 11:**

All documents and/or communications concerning sales strategies of the Cohmad Representatives.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims in this action. Defendant further objects to this request to the extent it seeks documents already in Plaintiff's possession, custody, or control. Defendant further objects to this request on the ground that the term "sales strategies" as used in this request is vague and ambiguous.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 12:**

All documents and/or communications concerning solicitation of clients or potential clients, rejected or otherwise.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that the phrase "solicitation of clients or potential clients" as used in this request is vague and ambiguous.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 13:**

All documents concerning Cohmad BLMIS Accountholder qualifications.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control. Defendant further objects to this request on the ground that the phrase "Cohmad BLMIS Accountholder qualifications" as used in this request, is vague and ambiguous.

**Request No. 14:**

All documents and/or communications concerning the promotion or marketing of Cohmad, BLMIS and/or Madoff.

**Response:**

Defendant objects to this request to the extent it includes promotion or marketing of Cohmad that was unrelated to BLMIS as such promotion or marketing is neither relevant to the claims or the defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad and unduly burdensome to the extent it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that the phrase “promotion or marketing” as used in this request is vague and ambiguous.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 15:**

All documents and/or communications concerning accounting firm or accountant referrals for Cohmad BLMIS Accountholders.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff’s possession, custody, or control. Defendant objects to this request on the ground that the phrase “accounting firm or accountant referrals for Cohmad BLMIS Accountholders” as used in this request is vague and ambiguous.

**Request No. 16:**

All documents and/or communications concerning any investment account maintained by or for the benefit of Defendant.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant’s relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

**Request No. 17:**

All documents and/or communications concerning any customer account referred by Cohmad to BLMIS or maintained by Cohmad, including without limitation the Cohmad BLMIS Accounts.

**Response:**

Defendant objects to this request to the extent it seeks information concerning customer accounts "maintained by Cohmad" on the grounds that such information is unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome to the extent it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks information from Cohmad customers on the grounds that such information is protected from disclosure by applicable law and because production of the requested information could violate the privacy rights of Cohmad customers.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 18:**

All documents and/or communications concerning statements and/or trade confirmations for the Cohmad BLMIS Accounts.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 19:**

All documents and/or communications concerning monies, commissions, remuneration and/or other benefits conferred upon You by Cohmad, BLMIS and/or Madoff.



**Response:**

Defendant objects to this request to the extent it seeks information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome to the extent it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to the phrase "other benefits" as used in this request as vague and ambiguous.

**Request No. 20:**

All documents and/or communications concerning monies, commissions, remuneration and/or other benefits conferred upon Cohmad's Representatives.

**Response:**

Defendant objects to this request to the extent it seeks information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome to the extent it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to the phrases "other benefits" and "conferred upon the Cohmad Representatives" as used in this request as vague and ambiguous.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 21:**

All documents concerning Defendant's bank accounts or brokerage accounts in which any funds or other consideration was received and/or transferred from and/or provided by BLMIS or Cohmad.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

**Request No. 22:**

All documents and/or communications concerning Your selection of BLMIS investments.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 23:**

All documents and/or communications concerning selection of BLMIS as an asset manager.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts

**Request No. 24:**

All documents and/or communications concerning any account ever held by Defendant with BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly

broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 25:**

All documents and/or communications concerning any account ever held by Defendant with Cohmad.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

**Request No. 26:**

All documents and/or communications concerning the performance of BLMIS, including without limitation, any bookkeeping of BLMIS's trades, assets and/or returns.

**Response:**

Defendant objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 27:**

All documents and/or communications concerning any inquiry, request for documents, subpoena, investigation, arbitration or litigation concerning Defendant, Cohmad or BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim

or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent that it seeks information or the production of documents that are protected from discovery by attorney-client privilege and/or the attorney work-product doctrine. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody or control.

**Request No. 28:**

All documents concerning any communication and/or agreements between Defendant and any other person concerning Cohmad and/or BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

**Request No. 29:**

All documents concerning communications between Defendant and BLMIS concerning any account held or maintained by BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 30:**

All documents and/or communications concerning any social or personal relationship between Defendant and BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that the phrase “any social or personal relationship between Defendant and BLMIS” is vague and ambiguous because it is not possible to have a social or personal relationship with an entity.

**Request No. 31:**

All documents and/or communications concerning any social or personal relationship between Defendant and Madoff.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 32:**

All documents and/or communications concerning meetings between Defendant and BLMIS, including, but not limited to, meetings during which other persons were also present.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff’s possession, custody, or control.

**Request No. 33:**

All documents and/or communications relating to Your employment or engagement with Cohmad and/or BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 34:**

All documents and/or communications relating to any training and sale strategies during Your employment or engagement with Cohmad and/or BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that it seeks proprietary business information. Defendant further objects to this request on the ground that the term "training and sale strategies" as used in this request, is vague and ambiguous.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 35:**

All documents and/or communications concerning complaints or questions from investors received by Defendant or Cohmad regarding BLMIS or Madoff.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 36:**

All documents and/or communications concerning any instructions given to clients or prospective clients not to contact BLMIS or Madoff.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control. Defendant further objects to this request on the grounds that it seeks information protected from disclosure by applicable law and because production of the requested information could violate the privacy rights of Cohmad's customers.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 37:**

All documents and/or communications concerning any efforts by You, Cohmad Representatives and/or Cohmad to analyze the purported trading activity and/or other operations conducted by BLMIS and/or Madoff.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 38:**

All documents and/or communications concerning the investment strategies of BLMIS and/or Madoff.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims in this action. Defendant further objects to this request to the extent it seeks documents already in Plaintiff's possession, custody, or control. Defendant further objects to this request on the ground that the term "investment strategies" as used in this request is vague and ambiguous.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 39:**

All documents and/or communications concerning the "Cohmad Cash Database," as defined in the Complaint at Paragraph 69, including, without limitation account payment schedules, statements and/or reports.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control. Defendant further objects to the term "Cohmad Cash Database" as used in this request as vague and ambiguous.

**Request No. 40:**

All documents and/or communications between Defendant and/or the Cohmad Representatives on the one hand and Cohmad BLMIS Accountholders on the other.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible



evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 41:**

All documents and/or communications between Defendant and/or the Cohmad Representatives on the one hand and prospective investors in either Cohmad or BLMIS on the other.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents already in Plaintiff's possession, custody, or control. Defendant further objects to the term "prospective investors" as used in this request as vague and ambiguous.

**Request No. 42:**

All documents and/or communications concerning BLMIS's financial condition, solvency or ability to timely pay its debts.

**Response:**

Defendant objects to this request to the extent it seeks documents already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 43:**

All documents and/or communications concerning any corporate or financial inconsistencies, discrepancies or irregularities concerning BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of information far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents already in Plaintiff's possession, custody, or control. Defendant further objects to the phrase "inconsistencies, discrepancies or irregularities concerning BLMIS" as used in this request as vague and ambiguous.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 44:**

All documents and/or communications concerning investigations and/or examinations of BLMIS, including, without limitation, any due diligence, advisory opinions, research, advice or warnings concerning BLMIS or its investments.

**Response:**

Defendant objects to this request to the extent that it requests information unrelated to any claim or defense in this action, and it seeks information or the production of documents that are protected from discovery by attorney-client privilege and/or the attorney workproduct doctrine. Defendant further objects to this request as vague and ambiguous because it does not specify whether it seeks information concerning investigations and/or examinations by Defendant or by some other person or entity.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 45:**

All documents and/or communications between Defendant and Cohmad's accountants and/or auditors regarding BLMIS and/or Madoff.

**Response:**

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 46:**

All documents and/or communications concerning the disclosure or non-disclosure of BLMIS and/or Madoff in promotion or marketing materials.

**Response:**

Defendant objects to this request to the extent it includes promotion or marketing of Cohmad that was unrelated to BLMIS as such promotion or marketing is neither relevant to the claims or the defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad and unduly burdensome to the extent it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to the phrases “promotion or marketing” and “concerning the disclosure or nondisclosure of BLMIS and/or Madoff” as used in this request as vague and ambiguous. Defendant further objects to this request as duplicative.

**Request No. 47:**

All documents and/or communications concerning any refusal by BLMIS or Madoff to personally meet with clients or prospective investors.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant’s relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that the term “prospective investors” as used in this request is vague and ambiguous.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 48:**

All documents and/or communications concerning industry or market rate of returns on investments during the relevant time period.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant’s relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible

evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

**Request No. 49:**

All documents and/or communications concerning Defendant's receipt and review of BLMIS-related account statements and/or trade confirmations.

**Response:**

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 50:**

All documents and/or communications concerning the clearance of trades by Cohmad.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that the phrase "clearance of trades" as used in this request is vague and ambiguous.

**Request No. 51:**

All documents and/or communications concerning the clearance of trades by or on behalf of BLMIS.

**Response:**

Defendant objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that the phrase "clearance of trades" as used in this request is vague and ambiguous.

**Request No. 52:**

All documents and/or communications concerning BLMIS's performance that was provided to Cohmad BLMIS Account Holders.

**Response:**

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 53:**

To the extent not previously requested, all documents and/or communications concerning each Transfer, including without limitation the date of the Transfer, the amount of the Transfer, the account name and account number for the account the funds were transferred from, the account name and account number the funds were transferred to, the method of transfer (wire, check, etc.) and the reason for the Transfer.

**Response:**

Defendant objects to this request to the extent it seeks documents already in Plaintiff's possession, custody or control. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 54:**

All documents and/or communications concerning each Subsequent Transfer, including without limitation the date of the Subsequent Transfer, the amount of the Subsequent Transfer, the account name and account number for the account the funds were transferred from, the account name and account number for the account the funds were transferred to, the method of transfer (wire, check, etc.) and reason for the Subsequent Transfer.

**Response:**

Defendant objects to this request to the extent it seeks documents already in Plaintiff's possession, custody or control. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 55:**

To the extent not previously requested, all documents and/or communications that

support or otherwise are relevant to any of the defenses raised by Defendant in this action, including, without limitation, defenses One through Twenty-Four in Defendant's Answer to the Complaint.

**Response:**

Defendant objects to this request to the extent that it seeks information or the production of documents that are protected from discovery by attorney-client privilege and/or the attorney work-product doctrine. Defendant further objects to this request because it is premature and purports to impose obligations beyond those required by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in his possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 56:**

To the extent not previously requested, all documents and/or communications concerning BLMIS.

**Response:**

Defendant objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request as duplicative.

**Request No. 57:**

To the extent not previously requested, all documents and/or communications concerning Cohmad.

**Response:**

Defendant object to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request as duplicative.

**Request No. 58:**

To the extent not previously requested, all documents and/or communications between Defendant and BLMIS.

**Response:**

Defendant objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request as duplicative.

**Request No. 59:**

To the extent not previously requested, all documents and/or communications between Defendant and Cohmad.

**Response:**

Defendant objects to this request on the grounds that it seeks information neither relevant to the claims or the defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims in this action. Defendant further objects to this request as duplicative.

TESSER & COHEN

By: /s/ Mark A. Blount  
Mark A. Blount  
John J. Lavin  
184 Main Street  
Chester, New Jersey 07930  
(908) 879-8225  
[mbount@tesseractcohen.com](mailto:mbount@tesseractcohen.com)  
[jlavin@tesseractcohen.com](mailto:jlavin@tesseractcohen.com)

*Attorneys for Defendant  
Alvin Delaire*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

COHMAD SECURITIES CORPORATION,  
et al.,

Defendants.

Index No. 08-01789 (BRL)

Adv. Pro. No. 09-01305 (BRL)

**CAROLE DELAIRE'S RESPONSES AND OBJECTIONS TO TRUSTEE IRVING H.  
PICARD'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rules 7026 and 7034 of the Federal Rules of Bankruptcy Procedure, Defendant Carole Delaire ("Defendant"), by and through her counsel, hereby submits the following responses and objections to Trustee Irving H. Picard's First Set of Requests for the Production of Documents (the "Requests").

**GENERAL RESPONSES AND OBJECTIONS**

Defendant objects generally to the Requests to the extent specified below. All of the responses to individual requests that follow are made subject to these General Objections.



1. Defendant objects to the Requests to the extent that they purport to seek information and/or the production of documents, or portions thereof, that are protected from discovery by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege. Inadvertent disclosure of such documents shall not constitute waiver of the applicable privilege, and Defendant reserves any right to recall such document(s) produced through inadvertence.

2. Defendant objects to the Requests to the extent that they purport to seek documents that are not relevant to the claims or the defenses in this action or reasonably calculated to lead to the discovery of admissible evidence.

3. Defendant objects to the Requests to the extent that they are vague, ambiguous, overbroad, unduly burdensome, oppressive, and harassing, or seek cumulative or duplicative information.

4. Defendant objects to the Requests, including but not limited to the Definitions and Instructions, to the extent that they purport to seek documents not in Defendant's possession, custody, or control, and Defendant disclaims any obligation to produce such documents.

5. Defendant objects to the Requests to the extent they seek information that is already in the possession of Trustee Irving H. Picard ("Plaintiff"), publicly available, or which is otherwise readily accessible to Plaintiff.

6. Defendant objects to the Requests to the extent that they seek disclosure of trade secrets, proprietary business information, or other private, confidential information. Defendant also objects to the Requests to the extent they seek proprietary and otherwise confidential information belonging to any third party, if such third party information is in Defendant's possession, custody, or control and is subject to non-disclosure agreements.

7. Defendant objects to the Requests to the extent they seek disclosure of information that is protected from disclosure by applicable law, and because production of this information could violate certain privacy rights.

8. Defendant objects to the Requests, including, but not limited to Instruction No. 3, to the extent that they might seek to require Defendant to produce substantive metadata or search electronic archives; back-up tapes, discs or drives; deleted data; optical platter disks; or legacy data from obsolete systems for responsive documents. These types of media are not reasonably accessible and would entail undue burden and expense to restore or otherwise search.

9. Defendant objects to the Requests, including the Definitions, Instructions and Manner of Production contained therein, to the extent that they purport to impose requirements and obligations in excess of those required or authorized by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, or the Local Rules of this Court.

10. All objections regarding electronically-stored information (“ESI”) are subject to the obligation of the parties to meet and confer and develop protocols for the production of ESI, and Defendant objects to the Requests to the extent they require repetitive searches of electronic records or would require production of ESI prior to the development of a satisfactory protocol.

11. Defendant objects to the Requests to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that they state or assume legal conclusions.

12. Defendant objects to the Requests to the extent they purport to call for the production of documents or information not created by Defendant in the usual course of business and, in particular, to the extent the Requests purport to require Defendant to create documents or information including, but not limited to, compiling or condensing information from her records.

13. Defendant objects to the Requests to the extent that they seek “all documents” related to or referring to certain time periods, events, transactions, or subjects because such requests are overly broad, subject Defendant to undue burden and expense, and seek to impose obligations on Defendant beyond what is required by the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure.

14. Defendant objects to the definition of the various entities on the ground that it is overly broad. Defendant will construe various entities to mean only the named entity and its employees.

15. Defendant objects to the definition of “Defendant,” “You,” and “Your” to the extent that it is defined to include Defendant’s agents and representatives, whose identities may not be readily identifiable from a search of documentary records. Defendant will construe “Defendant,” “You,” and “Your” to include only Carole Delaire.

16. Defendant objects to Definition 19 on the ground that it is overly broad. Defendant will construe references to any person that is not a natural person and is not otherwise defined in the Requests to mean the specified person and employees of that person.

17. Defendant objects to Instruction No. 2 to the extent that it would require Defendant to conduct searches of media not in her possession, custody, or control.

18. Defendant objects to Instruction Nos. 4 and 8 on the ground that they seek the originals of all responsive documents. Defendant will retain originals of all responsive documents and produce copies of each such original.

19. Defendant objects to Instruction No. 5 to the extent that it imposes obligations beyond those required by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court and seeks documents that are neither relevant to the

claims or the defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence.

20. Defendant objects to Instruction No. 10 to the extent that it imposes obligations beyond those required by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court. Defendant will produce a privilege log in accordance with such rules if responsive, privileged documents are withheld from production.

21. Defendant objects to Instruction Nos. 11, 14 and 16 on the ground that they impose obligations beyond those required by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court.

22. Defendant objects to the Manner of Production section of the Request on ground that it is premature and attempts to unilaterally impose obligations that are properly addressed through the meet-and-confer process. The parties are obligated to meet and confer to develop protocols for the production of ESI, and Defendant objects to the Manner of Production section to the extent it purports to require that ESI be produced in a particular format before the parties have met, conferred, and developed a satisfactory production protocol.

23. Defendant objects to the Requests being “continuing” to the extent it imposes obligations beyond those of the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, or the Local Rules of this Court.

24. Defendant objects to the relevant time period identified in the Requests on the grounds that it seeks documents that are neither relevant to the claims or the defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the relevant time period identified in the Requests as overly broad and unduly

burdensome. Defendant will meet and confer with Plaintiff in good faith in order to arrive at a mutually agreeable time period for Defendant's response to the Requests.

25. Defendant reserves the right to supplement any production of documents and to amend or supplement her responses and objections to the Requests if necessary or appropriate.

26. These Objections and Responses are given without conceding the relevancy, materiality, or admissibility of the subject matter of any request or response, and are given without prejudice to Defendant's rights to object to further discovery or to the admission of any evidence or proof concerning the subject matter of any request or response.

27. Defendant remains willing to discuss with Plaintiff any objection and to work cooperatively to resolve areas of disagreement.

28. Neither the fact that an objection is interposed to a particular request nor the fact that no objection is interposed necessarily means that responsive information, documents, or statements exist in Defendant's possession, custody, and control.

## **SPECIFIC RESPONSES AND OBJECTIONS**

### **Request No. 1:**

All documents and/or communications concerning the Accounts, including without limitation, account statements, trade confirmations or other summaries or reports of the financial performance, status, value, balance or amount of the Accounts.

### **Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

### **Request No. 2:**

All documents and/or communications concerning any investment account maintained by or for the benefit of Defendant.

### **Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

### **Request No. 3:**

All documents and/or communications concerning any bank accounts held by or for the benefit of Defendant.

### **Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the ground that it is overly broad and

unduly burdensome because it seeks discovery of matters far broader in scope than the claims and defenses in this action.

**Request No. 4:**

All financial statements prepared by or for the benefit of Defendant, including without limitation, all drafts, supporting schedules, work papers, journal entries, account ledgers and trial balances.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that the terms "work papers" and "trial balances" as used in this request, are vague ambiguous.

**Request No. 5:**

All tax returns prepared by or for Defendant.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that there is no compelling need to justify production of tax returns because any relevant information contained in such returns can be readily obtained through other sources.

**Request No. 6:**

All documents and/or communications concerning the promotion or marketing of Cohmad and/or BLMIS.

**Response:**

Defendant objects to this request to the extent it includes promotion or marketing of Cohman that was unrelated to BLMIS as such promotion or marketing is neither relevant to the claims or the defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad and unduly burdensome to the extent it seeks discovery of matters far broader in scope than the claims or

defenses in this action. Defendant further objects to this request on the ground that the phrase “promotion or marketing” as used in this request is vague and ambiguous.

**Request No. 7:**

All documents and/or communications concerning Cohmad’s and/or BLMIS’s offering statements.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request on the ground that the term “offering statements” as used in this request, is vague ambiguous.

**Request No. 8:**

All documents and/or communications concerning any Transfers between Defendant and any person.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant’s relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims in this action. Defendant objects to this request on the ground that the phrase “Transfers between Defendant and any person” as used in this request is vague and ambiguous.

**Request No. 9:**

All documents and/or communications concerning any Transfers between Defendant and BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff’s possession, custody, or control.



Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 10:**

All documents and/or communications concerning any Transfers between Defendant and Cohmad.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims in this action. Defendant objects to this request on the ground that the phrase "Transfers between Defendant and Cohmad" as used in this request is vague and ambiguous.

**Request No. 11:**

All documents and/or communications concerning Cohmad's and/or BLMIS's compliance with statutory or regulatory obligations.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control. Defendant further objects to this request on the ground that the phrase "compliance with statutory and regulatory obligations" as used in this request is vague and ambiguous.

**Request No. 12:**

All documents and/or communications concerning management fees, administrative fees, performance fees, remuneration and/or benefits paid to any person as a result monies invested in the Accounts.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of

admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 13:**

All documents and/or communications concerning the performance of BLMIS and/or Cohmad.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims in this action. Defendant further objects to this request to the extent it seeks documents already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 14:**

All documents and/or communications concerning any efforts by You and/or Cohmad to analyze, investigate, evaluate or examine the purported trading activity and/or other operations conducted by BLMIS and/or Madoff.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 15:**

All documents and/or communications concerning the investment strategies of Defendant.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant objects to this request on the ground that the term "investment strategies" as used in this request is vague and ambiguous.

**Request No. 16:**

All documents and/or communications concerning the investment strategies of BLMIS and/or Cohmad.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims in this action. Defendant further objects to this request to the extent it seeks documents already in Plaintiff's possession, custody, or control. Defendant further objects to this request on the ground that the term "investment strategies" as used in this request is vague and ambiguous.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 17:**

All documents and/or communications between Defendant and her representative and/or agent.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

**Request No. 18:**

All documents and/or communications between the Defendant and BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

**Request No. 19:**

All documents and/or communications between the Defendant and Cohmad.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims in this action.

**Request No. 20:**

All documents and/or communications from any accountants, auditors, accounting firms or auditing firms concerning Defendant, Cohmad and/or BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 21:**

To the extent not previously requested, all documents and/or communications concerning each Transfer, including without limitation the date of the Transfer, the amount of the Transfer, the account name and account number for the account the funds were transferred to, the method of transfer (wire, check, etc.) and the reason for the Transfer.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 22:**

All documents and/or communications concerning each Subsequent Transfer, including without limitation the date of the Subsequent Transfer, the amount of the Subsequent Transfer, the account name and account number for the account the funds were transferred from, the account name and account number for the account the funds were transferred to, the method of transfer (wire, check, etc.) and reason for the Subsequent Transfer.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to any claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad or unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody, or control.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 23:**

All documents and/or communications concerning any inquiry, request for documents, subpoena, investigation, arbitration or litigation concerning Defendant, Cohmad and/or BLMIS.

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request to the extent that it seeks

information or the production of documents that are protected from discovery by attorney-client privilege and/or the attorney work-product doctrine. Defendant further objects to this request to the extent it seeks documents that are publicly available or already in Plaintiff's possession, custody or control.

**Request No. 24:**

To the extent not previously requested, all documents and/or communications that support or otherwise are relevant to any and all defenses raised by You in this action, including without limitation those identified as Affirmative Defenses One through Twenty-Four in Your Answer to the Complaint.

**Response:**

Defendant objects to this request to the extent that it seeks information or the production of documents that are protected from discovery by attorney-client privilege and/or the attorney work-product doctrine. Defendant further objects to this request because it is premature and purports to impose obligations beyond those required by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court.

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 25:**

To the extent not previously requested, all documents that were or should be identified pursuant to Rule 26(a) by or in Defendant's Initial Disclosures.

**Response:**

Subject to and without waiver of the foregoing General and Specific Objections, Defendant will produce non-privileged documents responsive to this request in her possession, custody, or control, if any, that can be located with reasonable efforts.

**Request No. 26:**

To the extent not previously requested, all documents and/or communications concerning BLMIS.

**Response:**

Defendant objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request as duplicative.

**Request No. 27:**

To the extent not previously requested, all documents and/or communications concerning Cohmad:

**Response:**

Defendant objects to this request on the grounds that it requests information unrelated to Defendant's relationship with BLMIS, any transfer from BLMIS to Defendant or any other claim or defense in this action, and it is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is overly broad and unduly burdensome because it seeks discovery of matters far broader in scope than the claims or defenses in this action. Defendant further objects to this request as duplicative.

TESSER & COHEN

By: /s/ Mark A. Blount  
Mark A. Blount  
John J. Lavin  
184 Main Street  
Chester, New Jersey 07930  
(908) 879-8225  
[mbount@tesseractcohen.com](mailto:mbount@tesseractcohen.com)  
[jlavin@tesseractcohen.com](mailto:jlavin@tesseractcohen.com)

*Attorneys for Defendant  
Carole Delaire*