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August 26, 2015

VIA ECF & FACSIMILE

Honorable Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Picard v. Merkin*, No. 15-cv-06269-LTS; Request for adjournment of reply deadline

Dear Judge Swain:

We represent Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff in the above-captioned matter.

On August 24, 2015, J. Ezra Merkin, Gabriel Capital Corporation, Ascot Fund Ltd., and Ascot Partners, L.P. (“Defendants”) filed their memorandum of law in opposition to the Trustee’s Motion to Withdraw the Reference. ECF No. 5. Under Local Civil Rule 6.1(b), the Trustee may file a reply no later than August 31, 2015.

The Trustee and Defendants are discussing a stipulation whereby the parties would consent to trial before and entry of final judgment by the Bankruptcy Court. In light of those discussions, the Trustee respectfully requests a brief adjournment of the deadline to file his reply to September 8, 2015. The Trustee has not made any prior requests for an adjournment and Defendants consent to this adjournment request.

Respectfully,

s/ David J. Sheehan

cc: Counsel of record (via ECF)