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January 28, 2016

The Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408

Re: Picard v. Steven Mendelow et al., Adv. Pro. No. 10-04283 (SMB)

Dear Judge Bernstein:

We are counsel to Irving H. Picard, trustee (the "Trustee") for the substantively consolidated liquidation proceedings of Bernard L. Madoff Investment Securities LLC ("BLMIS") and Bernard L. Madoff under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA").

We write regarding the Case Management Plan so ordered by the Court last year on January 23, 2015 (Dkt. No. 69) in the above-referenced adversary proceeding (the "Case Management Plan"). Pursuant to the Case Management Plan, fact discovery was to be completed on or before January 29, 2016.

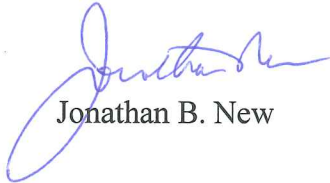
However, the Defendants filed a Motion for Judgment on the Pleadings on May 14, 2015, and on October 28, 2015 the Court heard argument on the Defendants' Motion and also held a discovery conference pursuant to Local Bankruptcy Rule 7007-1(b). At the conclusion of that hearing, after extended discussion, the Court stated: "I'm going to hold the discovery in abeyance." October 28, 2015 Hearing Transcript, Pg. 104, Ln. 18-19. (Dkt. No. 85).

The Case Management Plan has not been modified since its entry over a year ago. As a housekeeping matter, the Trustee proposed a stipulation to the Defendants to memorialize on the docket that all discovery dates in the Case Management Plan have been held in abeyance, but the parties were unable to agree upon proposed language.

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Therefore, the Trustee respectfully requests that the Court enter a Minute Order on the docket reflecting that the Court has held discovery in this adversary proceeding in abeyance. If the Court would prefer, the Trustee can submit a proposed order.

Very truly yours,



Jonathan B. New

cc: Lisa Solbakken
Stanley Arkin