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Hearing Date: May 18, 2016
Time: 10:00 a.m.

Objection Deadline: May 4, 2016
Time: 5:00 p.m.

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

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

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

Plaintiff,

v.

FEDERICO CERETTI, *et al.*

Defendants.

Adv. Pro. No. 09-01161 (SMB)

**NOTICE OF TRUSTEE'S MOTION TO COMPEL DEFENDANTS TO PRODUCE
DOCUMENTS AND PARTICIPATE IN DISCOVERY**

PLEASE TAKE NOTICE that Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities, LLC, and the estate of Bernard L. Madoff, by and through the Trustee’s undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004, on **May 18, 2016, at 10:00 a.m.**, or as soon thereafter as counsel may be heard, seeking entry of an Order under Rule 37 of the Federal Rules of Civil Procedure (made applicable by Rule 7037 of the Federal Rules of Bankruptcy Procedure) for entry of an Order:

(i) striking General Objection # 21, as asserted by defendants Kingate Global Fund, Ltd. (“Kingate Global”) and Kingate Euro Fund, Ltd. (“Kingate Euro”) in their respective Responses and Objections to the Trustee’s First Requests for Production; (ii) compelling Kingate Global and Kingate Euro to produce to the Trustee all documents within their respective possession, custody, or control responsive to Request # 38 of the Trustee’s First Set of Requests for Production of Documents and Things directed to Kingate Global and Kingate Euro, respectively; (iii) compelling Kingate Global and Kingate Euro to produce to the Trustee all documents within their respective possession, custody, or control responsive to Requests ## 1-37 and ## 39-43 of the Trustee’s First Set of Requests for Production of Documents and Things directed to Kingate Global and Kingate Euro, respectively; (iv) compelling defendants Kingate Management Limited (“KML”), defendants FIM Limited and FIM Advisers LLP (collectively, “FIM”), defendants Federico Ceretti and Carlo Grosso, and defendants First Peninsula Trustees Limited, Port of Hercules Trustees Limited, Alpine Trustees Limited, Ashby Holding Services Limited, Ashby Investment Services Limited, El Prela Group Holding Services Limited, and El Prela Trading Investments Limited (collectively, the “Trust Defendants,” and with KML, FIM, Ceretti and

Grosso, the “Bermuda Non-Fund Defendants”) to produce to the Trustee all documents within their respective possession, custody, or control responsive to Request # 3 of the Trustee’s First Set of Requests for Production of Documents and Things, as respectively directed to each of the Bermuda Non-Fund Defendants; and (v) directing the Bermuda Non-Fund Defendants, defendants The Ashby Trust and El Praela Trust (through their respective trustees), defendant Citi Hedge Fund Services Limited, and defendant HSBC Bank Bermuda Limited to confer with the Funds and the Trustee and to submit a joint Case Management Plan in accordance with Rule 26(f) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that any responses or objections to the Motion must be: (i) in writing, conforming to the applicable rules of this Court and be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, in accordance with General Order M-399 by no later than 5:00p.m. on May 4, 2016 (the “Objection Deadline”) (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein); and (ii) served upon (a) Baker & Hostetler LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: Geraldine E. Ponto; and (b) Securities Investor Protection Corporation, 1667 K Street, NW, Suite 1000, Washington, DC 20006-1260 Attn: Kevin H. Bell, so as to be received no later than the Objection Deadline.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that if no responses or objections are timely filed and served with respect to the Motion, the Motion shall be deemed uncontested and an order granting the requested relief may be entered with no further notice or opportunity to be heard offered to any party.

Date: April 15, 2016
New York, New York

BAKER & HOSTETLER LLP

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*Attorneys for Irving H. Picard, Trustee for the
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No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 09-01161 (SMB)

**ORDER GRANTING TRUSTEE'S
MOTION TO COMPEL**

THIS MATTER having been brought to the Court's attention through the motion (the "Motion") of Irving H. Picard, as trustee (the "Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS"), under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III ("SIPA"), and the estate of Bernard L. Madoff ("Madoff"), seeking relief under Rule 37 of the Federal Rules of Civil Procedure (made applicable by Rule 7037 of the Federal Rules of Bankruptcy Procedure) compelling the defendants to produce documents and participate in discovery; and the Court having considered the Memorandum of Law and the Declaration of Anthony M. Gruppuso, Esq. with all appended

exhibits submitted in support of the Motion, and any opposition thereto, and the arguments of counsel; and for good cause shown;

Now, therefore, on this ____ day of _____, 2016, **IT IS HEREBY ORDERED THAT:**

1. General Objection # 21, as asserted by defendants Kingate Global Fund, Ltd. (“Kingate Global”) and Kingate Euro Fund, Ltd. (“Kingate Euro”) in their respective Responses and Objections to the Trustee’s First Requests for Production, is stricken in its entirety.

2. Within ten (10) days from the date of entry of this Order, Kingate Global and Kingate Euro shall produce to the Trustee all documents within their respective possession, custody, or control responsive to Request # 38 of the Trustee’s First Set of Requests for Production of Documents and Things directed to Kingate Global and Kingate Euro, respectively.

3. Within ten (10) days from the date of entry of this Order, Kingate Global and Kingate Euro shall produce to the Trustee all documents within their respective possession, custody, or control responsive to Requests ## 1-37 and ## 39-43 of the Trustee’s First Set of Requests for Production of Documents and Things directed to Kingate Global and Kingate Euro, respectively.

4. Within ten (10) days from the date of entry of this Order, defendants Kingate Management Limited (“KML”), defendants FIM Limited and FIM Advisers LLP (collectively, “FIM”), defendants Federico Ceretti and Carlo Grosso, and defendants First Peninsula Trustees Limited, Port of Hercules Trustees Limited, Alpine Trustees Limited, Ashby Holding Services Limited, Ashby Investment Services Limited, El Prela Group Holding Services Limited, and El Prela Trading Investments Limited (collectively, the “Trust Defendants,” and with KML, FIM, Ceretti and Grosso, the “Bermuda Non-Fund Defendants”) shall produce to the Trustee all documents within their respective possession, custody, or control responsive to Request # 3 of

the Trustee's First Set of Requests for Production of Documents and Things, as respectively directed to each of the Bermuda Non-Fund Defendants.

5. Within thirty (30) days from the date of entry of this Order, the Bermuda Non-Fund Defendants, defendants The Ashby Trust and El Praela Trust (through their respective trustees), defendant Citi Hedge Fund Services Limited, and defendant HSBC Bank Bermuda Limited shall confer with the Funds and the Trustee in accordance with Rule 26(f) of the Federal Rules of Civil Procedure.

6. All parties shall submit a joint Case Management Plan, as required by Rule 26(f) for the Court's consideration and to be so ordered in accordance with Rule 16(b), no later than _____, 2016.

7. All parties shall attend a pretrial conference on _____, 2016, at 10:00 a.m.

Dated: _____, 2016
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE