

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Kathryn M. Zunno
Esterina Giuliani

*Attorneys for Irving H. Picard, Esq., 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,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. 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.

COHMAD SECURITIES CORPORATION, *et al.*,

Defendants.

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

**ORDER PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE AND
RULES 2002 AND 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE
APPROVING A SETTLEMENT AGREEMENT BY AND BETWEEN THE TRUSTEE
AND COHMAD SECURITIES CORPORATION, MARCIA B. COHN,
INDIVIDUALLY AND IN HER CAPACITY AS CO-EXECUTOR OF THE ESTATE OF
MAURICE COHN, AND MARILYN COHN, INDIVIDUALLY AND IN HER
CAPACITY AS CO-EXECUTOR OF THE ESTATE OF MAURICE COHN**

Upon the motion (the “Motion”) (ECF No. 376)¹ of Irving H. Picard (the “Trustee”) as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III (“SIPA”) and the substantively consolidated Chapter 7 case pending before the United States Bankruptcy Court for the Southern District of New York of Bernard L. Madoff (“Madoff,” and together with BLMIS, the “Debtors”), seeking entry of an order, pursuant to § 105(a) of the United States Bankruptcy Code and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure, approving a certain settlement agreement, by and between the Trustee, on the one hand, and Cohmad Securities Corporation, Marcia B. Cohn, individually and in her capacity as co-executor of the Estate of Maurice Cohn, and Marilyn Cohn, individually and in her capacity as co-executor of the Estate of Maurice Cohn (collectively, the “Cohmad Defendants”), on the other hand, as more particularly set forth in the Release and Settlement Agreement annexed to the Motion (the “Agreement”) (ECF No. 376-2); and it appearing that due and sufficient notice has been given to all parties in interest as required by Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure, and no other or further notice needs to be given; and that no objection, responsive pleading, or request for a hearing was made or filed with respect to the Motion; and the Trustee having filed a Certificate of No Objection on November 28, 2016 (ECF No. 379) representing that no objection has been received and that no party has indicated to the Trustee that it intends

¹ All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

to oppose the relief requested in the Motion; and the Court having reviewed the Motion, the Affidavit of Irving H. Picard in support of the Motion, and the record in this case; and it further appearing that this Court has jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein, and after due deliberation and sufficient cause appearing therefore; it is

ORDERED, that the Motion is granted to the extent set forth in this Order; and it is further

ORDERED, that the Agreement between the Trustee, on the one hand, and the Cohmad Defendants, on the other hand, is hereby approved and authorized; and it is further

ORDERED, that all provisions of the Agreement are incorporated herein by reference as if fully set forth herein; and it is further

ORDERED, that the Trustee and the Cohmad Defendants shall each comply with and carry out the terms of the Agreement; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: November 29, 2016
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE