

**Baker & Hostetler LLP**

Key Tower  
127 Public Square, Suite 2000  
Cleveland, OH 44114-1214

T 216.621.0200  
F 216.696.0740  
www.bakerlaw.com

James H. Rollinson  
direct dial: 216.861.7075  
jrollinson@bakerlaw.com

January 11, 2017

**VIA ECF AND EMAIL**

Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 723  
New York, New York 10004-1408  
bernstein.chambers@nysb.uscourts.gov

*Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC,*  
Adv. Pro. No. 08-01789 (SMB) — *Picard v. Shapiro, et al.*, Adv. Pro. No. 10-05383 (SMB)

Dear Judge Bernstein:

We are counsel to Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the estate of Bernard L. Madoff (“Madoff”). We write to request a conference under Local Bankruptcy Rule 7007-1(b) and your Honor’s Chambers Rules, concerning a discovery dispute in the above-referenced proceeding between the Trustee and Defendants Stanley Shapiro, David Shapiro, Kenneth Citron, and Leslie Citron (collectively, the “Defendants”). The Trustee proposed, but the Defendants declined, to have the dispute heard by the Honorable Frank Maas. *See* Exhibit A. If the parties cannot resolve their dispute at conference, the Trustee intends to move, pursuant to Fed. R. Civ. P. 36(a)(6) and 37(a)(3)(B)(iv), to compel the Defendants to fully respond to a significant number of the Trustee’s requests for admission (“RFAs”) and document requests (“RFPDs”).

The Trustee served RFAs on Defendants Stanley Shapiro, Leslie Citron, and David Shapiro this past summer. After much delay, they responded to the RFAs in late October and early November. *See* Exhibits B-E attached hereto. The Trustee served RFPDs on all Defendants and they responded in late November. *See* Exhibits F-H. By letters respectively dated October 25 and December 1, the Trustee advised counsel for the Defendants regarding the deficiencies in their responses and the parties thereafter met and conferred on November 9 and December 7. The Trustee followed up by letter dated December 14 with the hope of resolving or narrowing the

Honorable Stuart M. Bernstein  
January 11, 2017  
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dispute but the Defendants did not respond to this letter. Despite best efforts to resolve this dispute without court intervention, the Defendants remain committed to their positions.

The deficiencies in the Defendants' responses generally fall into one of three general categories.<sup>1</sup>

First, the Defendants ignore Fed. R. Civ. P. 34(b)(2)(B) & (C) and respond to many of the RFAs and RFPDs simply with boilerplate objections, such as "overly broad," "overly burdensome," "irrelevant," "outside the relevant time period," and "not reasonably likely to lead to the discovery of admissible evidence."<sup>2</sup> For example, Stanley Shapiro and the other Defendants categorically object to producing any written communications with Madoff, Annette Bongiorno or Paul Konigsberg, regarding their family's accounts at BLMIS. The Defendants likewise have refused to produce any documents relating to Mr. Konigsberg. As this Court may recall, the Trustee has alleged that Mr. Shapiro was complicit with these individuals in fabricating millions of dollars in fictitious trades. These and many other categories of documents sought by the Trustee are highly relevant in this proceeding yet the Defendants refuse to produce any of them. Defendants' categorical boilerplate objections are improper under the recently amended federal rules, which now explicitly prohibit categorical objections and further require, by way of example, that "[a]n objection to part of a request [for production of documents] must specify the part and permit inspection of the rest." Fed. R. Civ. P. 34(b)(2)(C).

Second, the Defendants also categorically object to many of the Trustee's requests on the ground the information or documents sought "relate[] only to causes of action that have been dismissed" as to certain of the Defendants. For example, Leslie Citron objects to many requests concerning activity in Account No. 1SH030, an account held for many years by Mr. and Mrs. Shapiro as trustees of a trust Ms. Citron formed for her own benefit. Although Ms. Citron is no longer a party to any claim relating to that account, Mr. and Mrs. Shapiro are. Fed. R. Civ. P. 26(b)(1) allows a party to "obtain discovery regarding any nonprivileged matter that is relevant to any party's claim." The Trustee thus can seek from Ms. Citron, or any other party, discovery relevant to any pending claim, whether asserted against the responding party or another party in this proceeding. The Trustee notes that a few of his requests are directed to areas which the Defendants maintain are not relevant to any claim still pending before this Court (*e.g.*, claim to avoid and recover subsequent transfers, 502(d) claim). The Trustee does not intend to challenge this position at this time.

There is a final category of requests which may be rendered irrelevant if the parties enter into stipulations relating to transfers made in connection with Account Nos. 1C1251, 1S0306, and 1SH171. Although the parties have exchanged several draft sets of stipulations relating to these accounts over the last few months, the Defendants never responded to the Trustee's latest proposed set of stipulations, which was sent several weeks ago.

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<sup>1</sup> For the Court's convenience, the Trustee attaches hereto at Exhibit 1 charts of the Defendants' responses and the category or categories into which each response generally falls. There are other deficiencies in certain of the Defendants' responses which can either be raised at conference or, if need be, addressed in a motion to compel.

<sup>2</sup> As to the last of these boilerplate objections, this is no longer the standard under Rule 26(b)(1).

Honorable Stuart M. Bernstein  
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For the foregoing reasons, the Trustee respectfully requests a conference with the Court to resolve the instant discovery dispute.

**BAKER & HOSTETLER LLP**

By: /s/ James H. Rollinson  
127 Public Square  
Cleveland, Ohio 44114  
Telephone: 216.621.0200  
Facsimile: 216.696.0740  
James H. Rollinson  
Email: jrollinson@bakerlaw.com

*and*

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Ona T. Wang  
Email: owang@bakerlaw.com  
Torello H. Calvani  
Email: tcalvani@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,  
Trustee for the liquidation of Bernard L.  
Madoff Investment Securities LLC and the  
consolidated estate of Bernard L. Madoff*

Enclosures

## **EXHIBIT 1**

EXHIBIT 1 TO LETTER FROM JAMES H. ROLLINSON OF 1/6/16 RE: PICARD V. SHAPIRO ET AL.

<i>Defendant &amp; Discovery Request to Which Responding</i>	<i>No Apparent Dispute Between the Parties</i>	<i>Defendant Categorically Object to Request</i>	<i>Defendant Objects On Ground Not Party to Claim</i>	<i>Request Likely Not Relevant (in whole or part) with Stipulation</i>	<i>Defendant's Response Otherwise Deficient</i>
Stanley RFA1stSet Nos. 1-22	X				
Stanley RFA1stSet No. 23		X	X		
Stanley RFA1stSet No. 24	X				
Stanley RFA1stSet Nos. 25-43		X	X		
Stanley RFA1stSet Nos. 44-48	X				
Stanley RFA1stSet Nos. 49-53		X	X	X	
Stanley RFA1stSet Nos. 54-55	X				
Stanley RFA1stSet Nos. 56-57		X	X	X	
Stanley RFA1stSet Nos. 58-66	X				
Stanley RFA1stSet No. 67		X	X	X	
Stanley RFA1stSet Nos. 68-69	X				
StanleyRFA2nd-No.1-18	X				
StanleyRFA2nd-No.19-34		X	X		
StanleyRFA2nd-No.35-36	X				
StanleyRFA2nd-No.37-38		X	X		
StanleyRFA2nd-No.39-40		X	X	X	
StanleyRFA2nd-No.41	X				
StanleyRFA2nd-No.42-45		X	X	X	
StanleyRFA2nd-No.46-58	X				
StanleyRFA2nd-No.59		X	X	X	
StanleyRFA2nd-No.60	X				
StanleyRFA2nd-No.61		X	X	X	
StanleyRFA2nd-No.62-63	X				
DavidRFA-No.1-17	X				
DavidRFA-No.18		X	X		
DavidRFA-No.19	X				
DavidRFA-No.20		X	X		
DavidRFA-No.21				X	
DavidRFA-No.22-35		X	X		
DavidRFA-No.36-37	X				
DavidRFA-No.38-39		X	X		
DavidRFA-No.40-41		X	X	X	
DavidRFA-No.42-43	X				
DavidRFA-No.44-47		X	X	X	
DavidRFA-No.48-58	X				
DavidRFA-No.59		X	X	X	
DavidRFA-No.60	X				
DavidRFA-No.61		X	X	X	
DavidRFA-No.62-63	X				
LeslieRFA-No.1-20	X				
LeslieRFA-No.21-42		X	X		
LeslieRFA-No.43-49	X				
LeslieRFA-No.50-51		X	X	X	
LeslieRFA-No.52					X
LeslieRFA-No.53		X	X	X	
LeslieRFA-No.54-55	X				
LeslieRFA-No.56-57		X	X	X	
LeslieRFA-No.58-65	X				
LeslieRFA-No.66-67		X	X	X	
LeslieRFA-No.68-69	X				
StanleyRFPD-No.1-4					X
StanleyRFPD-No.5-9		X			
StanleyRFPD-No.10	X				
StanleyRFPD-No.11		X			
StanleyRFPD-No.12-15					X
StanleyRFPD-No.16		X			

<i><b>Defendant &amp; Discovery Request to Which Responding</b></i>	<i><b>No Apparent Dispute Between the Parties</b></i>	<i><b>Defendant Categorically Object to Request</b></i>	<i><b>Defendant Objects On Ground Not Party to Claim</b></i>	<i><b>Request Likely Not Relevant (in whole or part) with Stipulation</b></i>	<i><b>Defendant's Response Otherwise Deficient</b></i>
StanleyRFPD-No.17					X
StanleyRFPD-No.18		X			
StanleyRFPD-No.19-22		X	X		
StanleyRFPD-No.23	X				
StanleyRFPD-No.24-35		X			
StanleyRFPD-No.36					X
StanleyRFPD-No.37		X	X	X	
StanleyRFPD-No.38-39		X		X	
StanleyRFPD-No.40-42	X				
StanleyRFPD-No.43-44		X			
StanleyRFPD-No.45		X		X	
StanleyRFPD-No.46	X				
StanleyRFPD-No.47		X			
StanleyRFPD-No.48-49	X				
DavidRFPD-No.1-4					X
DavidRFPD-No.5		X			
DavidRFPD-No.6		X	X		
DavidRFPD-No.7-9		X			
DavidRFPD-No.10		X	X		
DavidRFPD-No.11		X			
DavidRFPD-No.12-14					X
DavidRFPD-No.15-18		X	X		
DavidRFPD-No.19		X	X	X	
DavidRFPD-No.20-21	X				
DavidRFPD-No.22-33		X			
DavidRFPD-No.34-35		X		X	
DavidRFPD-No.36		X	X	X	
DavidRFPD-No.37-39	X				
DavidRFPD-No.40		X			
DavidRFPD-No.41	X				
DavidRFPD-No.42		X	X	X	
DavidRFPD-No.43-45	X				
CintronsRFPD-No.1		X			
CintronsRFPD-No.2-4					X
CintronsRFPD-No.5-11		X			
CintronsRFPD-No.12-14					X
CintronsRFPD-No.15-16		X	X		
CintronsRFPD-No.17		X			
CintronsRFPD-No.18-19		X	X		
CintronsRFPD-No.20-21	X				
CintronsRFPD-No.22-30		X			
CintronsRFPD-No.31-32		X	X		
CintronsRFPD-No.33-36		X			
CintronsRFPD-No.36		X	X	X	
CintronsRFPD-No.37-39	X				
CintronsRFPD-No.40		X	X		
CintronsRFPD-No.41	X				
CintronsRFPD-No.42		X	X	X	
CintronsRFPD-No.43-45	X				

# **EXHIBIT A**

**Rollinson, James H.**

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**From:** Robert Miller <rmiller@laxneville.com>  
**Sent:** Tuesday, January 10, 2017 6:48 PM  
**To:** Rollinson, James H.; Barry Lax  
**Cc:** Wang, Ona Theresa; Calvani, Torello  
**Subject:** RE: Picard v. Shapiro et al.

Jamie,

Our clients do not consent.

Best.

Robert Miller  
Lax & Neville LLP



1450 Broadway, 35th Floor  
New York, NY 10018  
T: 212.696.1999  
F: 212.566.4531  
E: [rmiller@laxneville.com](mailto:rmiller@laxneville.com)  
[www.laxneville.com](http://www.laxneville.com)

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**From:** Rollinson, James H. [<mailto:jrollinson@bakerlaw.com>]  
**Sent:** Friday, January 06, 2017 8:59 AM  
**To:** Barry Lax <[blax@laxneville.com](mailto:blax@laxneville.com)>  
**Cc:** Robert Miller <[rmiller@laxneville.com](mailto:rmiller@laxneville.com)>; Wang, Ona Theresa <[OWang@bakerlaw.com](mailto:OWang@bakerlaw.com)>; Calvani, Torello <[tcalvani@bakerlaw.com](mailto:tcalvani@bakerlaw.com)>  
**Subject:** Picard v. Shapiro et al.

Barry and Rush,

The Trustee intends by letter early next week to seek an attorney conference with Judge Bernstein regarding the current discovery dispute between the parties. Before doing so, I wanted to revisit whether your clients are willing to have this matter heard in the first instance by Magistrate Maas. Please advise by the close of business on Monday whether they will so consent.

Many thanks,



Jamie

**James Rollinson**  
Partner

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**BakerHostetler**

Key Tower  
127 Public Square | Suite 2000  
Cleveland, OH 44114-1214  
T 216.861.7075

jrollinson@bakerlaw.com  
bakerlaw.com



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# **EXHIBIT B**

**LAX & NEVILLE LLP**

1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999  
Facsimile: (212) 566-4531  
Barry R. Lax, Esq. (BL1302)  
Robert R. Miller, Esq. (RM0630)

*Attorneys for Defendants*

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

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

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.

STANLEY SHAPIRO, *et al.*,

Defendants.

Adv. Pro. No. 10-05383 (SMB)

**DEFENDANT'S RESPONSE TO TRUSTEE'S FIRST SET OF  
REQUESTS FOR ADMISSION TO DEFENDANT LESLIE CITRON**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Rules 7026 and 7036 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and the Local Civil Rules of the United States District Court for the Southern District of New York and this Court (the "Local Rules"), Defendant Leslie Citron responds to Trustee's First Set of Requests for Admission to Defendant Leslie Citron ("Admission Requests"), filed by Irving H. Picard as trustee (the "Trustee") for the liquidation of Bernard L. Madoff Investment Securities LLC ("BLIMIS"), as follows:

**GENERAL OBJECTIONS AND RESPONSES**

1. Defendant objects to the Admission Requests to the extent that they seek to enlarge and expand the scope of discovery as set forth by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure and the Local Rules of this District and this Court.
2. Defendant objects to the Requests to the extent that they seek information that is neither relevant to the claims or defenses of any party to this litigation nor reasonably calculated to lead to the discovery of admissible evidence.
3. Defendant objects to the Requests to the extent that they seek information relevant only to causes of action that have been dismissed.
4. Defendant objects to any Request that employs imprecise specifications of the information sought as vague and ambiguous.
5. Defendant objects to the Requests to the extent that they are not limited by an appropriate time restriction or are outside the time period designated.

6. The following Responses reflect Defendant's present knowledge and information, and may be subject to change or modification based on Defendant's further discovery. Where Defendant states that she lacks knowledge or information to admit or deny a request, she hereby states that she has made reasonable inquiry and that the information she knows or can readily obtain is insufficient to enable her to admit or deny the request. Defendant specifically reserves the right to further supplement, amend or otherwise revise her Responses to these Requests in accordance with Fed. R. Civ. P. 26(e).

#### **SPECIFIC OBJECTIONS AND RESPONSES**

The responses to the specific requests set forth below shall be deemed to incorporate, and shall not be deemed a waiver of, the foregoing General Objections.

1. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of an indenture of trust, dated June 6, 1985.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Further responding, Respondent states that the document speaks for itself.

2. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which you signed or executed on June 6, 1985.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that her signature appears on page 19 of the document at issue.

3. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which Stanley Shapiro signed or executed on June 6, 1985.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

4. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which Renee Shapiro signed or executed on June 6, 1985.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

5. Admit that the trust created by the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, was initially referred to as the “Leslie Shapiro 1985 Trust.”

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

6. Admit that under the terms of the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, Stanley Shapiro and Renee Shapiro were appointed to serve as trustees of the Leslie Shapiro 1985 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

7. Admit that you were the primary beneficiary of the Leslie Shapiro 1985 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

8. Admit that the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, was amended on August 15, 1989 concerning the designation of a successor trustee of the Leslie Shapiro 1985 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

9. Admit that the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, was amended on August 15, 1989 with such amendment designating Bernard L. Madoff as a successor trustee.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

10. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which you signed or executed on June 1, 1995.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that her signature appears on Bates-stamped page “AMF00237473” of the document at issue.

11. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which Stanley Shapiro signed or executed on June 1, 1995.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

12. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which Renee Shapiro signed or executed on June 1, 1995.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

13. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of an amendment to indenture of trust which amended certain of the terms of the Leslie Shapiro 1985 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Further responding, Respondent states that the document speaks for itself.

14. Admit that on or about May 1, 1996, you executed a document which amended and restated the Leslie Shapiro 1985 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

15. Admit that attached hereto as **Exhibit 3** is a true and accurate copy of a document which you signed or executed on April 13, 2000.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that her signature appears on Bates-stamped page "AMF00237460" of the document at issue.

16. Admit that attached hereto as **Exhibit 3** is a true and accurate copy of a document which Stanley Shapiro signed or executed on April 13, 2000.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

17. Admit that attached hereto as **Exhibit 3** is a true and accurate copy of a document which Renee Shapiro signed or executed on April 13, 2000.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

18. Admit that the document, attached hereto as **Exhibit 3**, amended Article I of the Leslie Shapiro 1985 Trust to provide that the Leslie Shapiro 1985 Trust was to be thereafter

referred to as the “Leslie Shapiro Citron 1985 Trust.”

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent states that the document speaks for itself.

19. Admit that from June 6, 1985 through at least December 31, 2005, Stanley Shapiro and Renee Shapiro continuously served as the trustees of the Leslie Shapiro 1985 Trust, which was later known as the Leslie Shapiro Citron 1985 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

20. Admit that in or about February of 1990, either Stanley Shapiro, Renee Shapiro or both of them, in their capacity as a trustee or the trustees of the Leslie Shapiro 1985 Trust, caused BLMIS to open the Portfolio Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

21. Admit that between the date that the Portfolio Account was opened and December 11, 2008, no cash was ever provided to or deposited with BLMIS to purportedly invest in the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

22. Admit that between January 1, 1990 and December 11, 2008, a total of \$3,037,500.00 was withdrawn from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

23. Admit that between January 1, 1990 and December 11, 2008, you received from BLMIS a total of \$3,037,500.00 in Transfers withdrawn from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

24. Admit that between January 1, 1999 and December 11, 2008, a total of \$2,670,000.00 was withdrawn from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.



25. Admit that between January 1, 1999 and December 11, 2008, you received from BLMIS a total of \$2,670,000.00 in Transfers withdrawn from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

26. Admit that attached hereto as **Exhibit 4** is a true and accurate copy of a note which, although it may contain other handwriting, was written by Stanley Shapiro, in his capacity as trustee of, among other trusts, the Leslie Shapiro 1985 Trust.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

27. Admit that as set forth in the note, a copy of which is attached hereto as **Exhibit 4**, Stanley Shapiro instructed BLMIS to begin, as of January of 1998, making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

28. Admit that you instructed or directed Stanley Shapiro either to send to BLMIS the note, a copy of which is attached as **Exhibit 4**, or to notify BLMIS to start making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

29. Admit that in or about December of 1997, you were aware that Stanley Shapiro either had provided to BLMIS the note, a copy of which is attached as **Exhibit 4**, or had otherwise notified BLMIS to start making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

30. Admit that starting in January of 1998 and continuing through December of 1999, you received a distribution or Transfer in the amount of \$7,500.00 each month from the Portfolio

Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

31. Admit that attached hereto as **Exhibit 5** is a true and accurate copy of a check that you received from BLMIS, which was made payable to “Leslie Shapiro 6/6/85 Trust” in the amount of \$7,500.00 and dated January 4, 1999.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

32. Admit that you endorsed and deposited the check, a copy of which is attached hereto at **Exhibit 5**, into a bank account held either solely or jointly in your name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

33. Admit that attached hereto as **Exhibit 6** is a true and accurate copy of a note which, although it may contain other handwriting, was written by Stanley Shapiro, in his capacity as trustee of, among other trusts, the Leslie Shapiro 1985 Trust.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

34. Admit that as set forth in the note, a copy of which is attached hereto as **Exhibit 6**, Stanley Shapiro instructed BLMIS to begin, as of January 1, 2000, making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

35. Admit that you instructed or directed Stanley Shapiro either to send the note, a copy of which is attached as **Exhibit 6**, to BLMIS or to notify BLMIS to start making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

36. Admit that in or about December of 1999, you were aware that Stanley Shapiro had notified BLMIS to start making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

37. Admit that starting in January of 2000 and continuing through at least December of 2002, you received a distribution or Transfer in the amount of \$10,000.00 each month from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

38. Admit that attached hereto as **Exhibit 7** is a true and accurate copy of a check that you received from BLMIS, which was made payable to “Leslie Shapiro 6/6/85 Trust” in the amount of \$10,000.00 and dated January 3, 2000.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

39. Admit that you endorsed and deposited the check, a copy of which is attached hereto as **Exhibit 7**, into a bank account held either solely or jointly in your name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

40. Admit that attached hereto as **Exhibit 8** is a true and accurate copy of a check that you received from BLMIS, which was made payable to “Leslie Shapiro Citron” in the amount of \$10,000.00 and dated January 2, 2001.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

41. Admit that you endorsed and deposited the check, a copy of which is attached hereto as **Exhibit 8**, into a bank account held either solely or jointly in your name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

42. Admit that in April of 2003, Stanley Shapiro arranged for BLMIS to wire the sum of \$1,250,000.00 into a bank account held in your name from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

43. Admit that in April of 2003, the sum of \$1,250,000.00 was wired by BLMIS into a bank account that you held at JPMorgan Chase Bank.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

44. Admit that in or about April of 2003, Stanley Shapiro arranged for the Split-Strike Account to be opened at BLMIS in your name.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

45. Admit that attached hereto as **Exhibit 9** is a true and accurate copy of a "Trading Authorization Limited to Purchases and Sales of Securities and Options" which you signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that her signature appears on Bates-stamped page "AMF00239846."

46. Admit that attached hereto as **Exhibit 10** is a true and accurate copy of an "Option Agreement" which you signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that her signature appears on Bates-stamped page "AMF00239848."

47. Admit that attached hereto as **Exhibit 11** is a true and accurate copy of a "Customer Agreement" which you signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that her signature appears on Bates-stamped page "AMF00239851."

48. Admit that attached hereto as **Exhibit 12** is a true and accurate copy of a document which you signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that her signature appears on Bates-stamped page “AMF00239845.”

49. Admit that the signature on the copy of the note attached hereto as **Exhibit 13** is your signature.

**RESPONSE:** Admit.

50. Admit that attached hereto **Exhibit 13** is a true and accurate copy of a note which, although it may contain other handwriting, was written by Stanley Shapiro.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

51. Admit that attached hereto as **Exhibit 14** is a true and accurate copy of a note which, although it may contain other handwriting and a copy of a blank check with word “VOID” written on it, was written by Stanley Shapiro.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

52. Admit that in the note, a copy of which is attached hereto as **Exhibit 14**, Stanley Shapiro instructed BLMIS to wire on July 21, 2004 certain funds from the Portfolio Account and certain funds from the Split-Strike Account into a bank account held in your name.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent states that the document speaks for itself.

53. Admit that on or about July 21, 2004, the total sum of \$1,300,000.00 was wired by BLMIS into a bank account that you held at JPMorgan Chase Bank.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

54. Admit that according to the account statement issued by BLMIS for the Portfolio Account for the month of December of 2005, BLMIS reportedly transferred the sum of \$1,700,600.00 from the Portfolio Account into the Split-Strike Account.

**RESPONSE:** Admit.

55. Admit that in or about December 2005, Stanley Shapiro caused BLMIS to reportedly transfer the sum of \$1,700,600.00 from the Portfolio Account into the Split-Strike Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

56. Admit that the signature on the copy of the letter attached hereto as **Exhibit 15** is your signature.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

57. Admit that attached hereto **Exhibit 15** is a true and accurate copy of a note which, although it may contain other handwriting, was written by Stanley Shapiro.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

58. Admit that the signature on the copy of the letter attached hereto as **Exhibit 16** is *not* your signature.

**RESPONSE:** Admit.

59. Admit that the signature on the copy of the letter attached hereto as **Exhibit 16** was made by Kenneth Citron on your behalf.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

60. Admit that the signature on the copy of the note attached hereto as **Exhibit 17** is *not* your signature.

**RESPONSE:** Admit.

61. Admit that the signature on the copy of the note attached hereto as **Exhibit 17** was made by Stanley Shapiro on your behalf.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

62. Admit that the handwriting, other than the check-mark, on the copy of the note attached hereto as **Exhibit 17** is that of Stanley Shapiro.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

63. Admit that you did not receive a Transfer from BLMIS for the quarter ending June 30, 2008 from the Split-Strike Account.

**RESPONSE:** Denied.

64. Admit that you received a Transfer from BLMIS for the quarter ending September 30, 2008 from the Split-Strike Account.

**RESPONSE:** Admit.

65. Admit that in October of 2008, you received a Transfer from BLMIS in the amount of \$46,376.00 from the Split-Strike Account.

**RESPONSE:** Admit.

66. Admit that between March 1, 2003 and December 11, 2008, a total of \$4,527,497.33 was withdrawn from the Split-Strike Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

67. Admit that between March 1, 2003 and December 11, 2008, you received from BLMIS a total of \$4,527,497.33 in Transfers withdrawn from the Split-Strike Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against her that have been dismissed.

68. Admit that between December 12, 2006 and December 11, 2008, a total of \$678,303.59 was withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

69. Admit that between December 12, 2006 and December 11, 2008, you received from BLMIS a total of \$678,303.59 in Transfers withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

Dated: October 20, 2016

By: **/s/ Barry R. Lax**  
Barry R. Lax, Esq.  
Robert R. Miller, Esq.  
**LAX & NEVILLE LLP**  
1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999



**VERIFICATION**

STATE OF COLORADO     )  
  ) ss  
COUNTY OF PITKIN     )

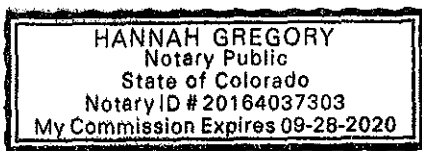
Leslie S. Citron, being first duly sworn, says that she has read the foregoing Responses to Trustee's First Set of Requests for Admission to Defendant Leslie S. Citron, and that the responses set forth therein are true to the best of her knowledge, information, and belief.

  
Leslie S. Citron

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of October, 2016, by Leslie S. Citron.

Witness my hand and official seal.  
My commission expires: 9/28/20

  
Notary Public



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have caused the foregoing to be served on Counsel for Trustee, James H. Rollinson, Esq., Baker & Hostetler, LLP, 127 Public Square, Cleveland, Ohio 44114, via electronic mail to jrollinson@bakerlaw.com on the 21 day of October, 2016.

**LAX & NEVILLE, LLP**

By: **/s/ Robert R. Miller**  
1450 Broadway, 35<sup>th</sup> Floor  
New York, NY 10018  
Telephone: (212) 696-1999  
Facsimile: (212) 566 - 4531

*Attorneys for Defendant*

# **EXHIBIT C**

**LAX & NEVILLE LLP**

1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999  
Facsimile: (212) 566-4531  
Barry R. Lax, Esq. (BL1302)  
Robert R. Miller, Esq. (RM0630)

*Attorneys for Defendants*

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

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

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.

STANLEY SHAPIRO, *et al.*,

Defendants.

Adv. Pro. No. 10-05383 (SMB)

**DEFENDANT'S RESPONSE TO TRUSTEE'S FIRST SET OF  
REQUESTS FOR ADMISSION TO DEFENDANT STANLEY SHAPIRO**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Rules 7026 and 7036 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and the Local Civil Rules of the United States District Court for the Southern District of New York and this Court (the "Local Rules"), Defendant Stanley Shapiro responds to the First Set of Requests for Admission to Defendant Stanley Shapiro ("Admission Requests") by Irving H. Picard as trustee (the "Trustee") for the liquidation of Bernard L. Madoff Investment Securities LLC ("BLIMIS"), as follows:

**GENERAL OBJECTIONS AND RESPONSES**

1. Defendant objects to the Admission Requests to the extent that they seek to enlarge and expand the scope of discovery as set forth by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure and the Local Rules of this District and this Court.
2. Defendant objects to the Requests to the extent that they seek information that is neither relevant to the claims or defenses of any party to this litigation nor reasonably calculated to lead to the discovery of admissible evidence.
3. Defendant objects to the Requests to the extent that they seek information relevant only to causes of action that have been dismissed.
4. Defendant objects to any Request that employs imprecise specifications of the information sought as vague and ambiguous.
5. Defendant objects to the Requests to the extent that they are not limited by an appropriate time restriction or are outside the time period designated.

6. The following Responses reflect Defendant's present knowledge and information, and may be subject to change or modification based on Defendant's further discovery. Where Defendant states that he lacks knowledge or information to admit or deny a request, he hereby states that he has made reasonable inquiry and that the information he knows or can readily obtain is insufficient to enable him to admit or deny the request. Defendant specifically reserves the right to further supplement, amend or otherwise revise his Responses to these Requests in accordance with Fed. R. Civ. P. 26(e).

#### **SPECIFIC OBJECTIONS AND RESPONSES**

The responses to the specific requests set forth below shall be deemed to incorporate, and shall not be deemed a waiver of, the foregoing General Objections.

1. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of an indenture of trust, dated June 6, 1985.

**RESPONSE:** Admit.

2. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which you signed or executed on June 6, 1985.

**RESPONSE:** Admit.

3. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which Leslie S. Citron signed or executed on June 6, 1985.

**RESPONSE:** Admit.

4. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which Renee Shapiro signed or executed on June 6, 1985.

**RESPONSE:** Admit.

5. Admit that the trust created by the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, was initially referred to as the "Leslie Shapiro 1985 Trust."

**RESPONSE:** Admit.

6. Admit that under the terms of the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, you and Renee Shapiro were appointed to serve as trustees of the Leslie Shapiro 1985 Trust.

**RESPONSE:** Admit.

7. Admit that Leslie S. Citron was the primary beneficiary of the Leslie Shapiro 1985 Trust.

**RESPONSE:** Admit.

8. Admit that the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, was amended on August 15, 1989 concerning the designation of a successor trustee of the Leslie Shapiro 1985 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

9. Admit that the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, was amended on August 15, 1989 with such amendment designating Bernard L. Madoff as a successor trustee.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

10. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which you signed or executed on June 1, 1995.

**RESPONSE:** Admit.

11. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which Leslie S. Citron signed or executed on June 1, 1995.

**RESPONSE:** Admit.

12. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which Renee Shapiro signed or executed on June 1, 1995.

**RESPONSE:** Admit.

13. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of an amendment to indenture of trust which amended certain of the terms of the Leslie Shapiro 1985 Trust.

**RESPONSE:** Admit.

14. Admit that on or about May 1, 1996, you executed a document which amended and restated the Leslie Shapiro 1985 Trust.

**RESPONSE:** Admit.

15. Admit that attached hereto as **Exhibit 3** is a true and accurate copy of a document which you signed or executed on April 13, 2000.

**RESPONSE:** Admit.

16. Admit that attached hereto as **Exhibit 3** is a true and accurate copy of a document which Leslie S. Citron signed or executed on April 13, 2000.

**RESPONSE:** Admit.

17. Admit that attached hereto as **Exhibit 3** is a true and accurate copy of a document which Renee Shapiro signed or executed on April 13, 2000.

**RESPONSE:** Admit.

18. Admit that the document, attached hereto as **Exhibit 3**, amended Article I of the Leslie Shapiro 1985 Trust to provide that the Leslie Shapiro 1985 Trust was to be thereafter referred to as the "Leslie Shapiro Citron 1985 Trust."

**RESPONSE:** Admit.

19. Admit that from June 6, 1985 through at least December 31, 2005, you and Renee Shapiro continuously served as the trustees of the Leslie Shapiro 1985 Trust, which was later known as the Leslie Shapiro Citron 1985 Trust.

**RESPONSE:** Admit.

20. Admit that in or about February of 1990, either you, Renee Shapiro or both of you, in your capacity as a trustee or the trustees of the Leslie Shapiro 1985 Trust, caused BLMIS to open the Portfolio Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.



21. Admit that between the date that the Portfolio Account was opened and December 11, 2008, no cash was ever provided to or deposited with BLMIS to purportedly invest in the Portfolio Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

22. Admit that between January 1, 1990 and December 11, 2008, a total of \$3,037,500.00 was withdrawn from the Portfolio Account.

**RESPONSE:** Admit.

23. Admit that between January 1, 1990 and December 11, 2008, Leslie S. Citron received from BLMIS a total of \$3,037,500.00 in Transfers withdrawn from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

24. Admit that between January 1, 1999 and December 11, 2008, a total of \$2,670,000.00 was withdrawn from the Portfolio Account.

**RESPONSE:** Admit.

25. Admit that between January 1, 1999 and December 11, 2008, Leslie S. Citron received from BLMIS a total of \$2,670,000.00 in Transfers withdrawn from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

26. Admit that attached hereto as **Exhibit 4** is a true and accurate copy of a note which, although it may contain other handwriting, was written by you, in your capacity as trustee of, among other trusts, the Leslie Shapiro 1985 Trust.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

27. Admit that as set forth in the note, a copy of which is attached hereto as **Exhibit 4**, you instructed BLMIS to begin, as of January of 1998, making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

28. Admit that Leslie S. Citron instructed or directed you either to send to BLMIS the note, a copy of which is attached as **Exhibit 4**, or to notify BLMIS to start making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

29. Admit that in or about December of 1997, Leslie S. Citron was aware that you either had provided to BLMIS the note, a copy of which is attached as **Exhibit 4**, or had otherwise notified BLMIS to start making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

30. Admit that starting in January of 1998 and continuing through December of 1999, Leslie S. Citron received a distribution or Transfer in the amount of \$7,500.00 each month from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

31. Admit that attached hereto as **Exhibit 5** is a true and accurate copy of a check that Leslie S. Citron received from BLMIS, which was made payable to "Leslie Shapiro 6/6/85 Trust" in the amount of \$7,500.00 and dated January 4, 1999.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

32. Admit that Leslie S. Citron endorsed and deposited the check, a copy of which is attached hereto at **Exhibit 5**, into a bank account held either solely or jointly in her name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

33. Admit that attached hereto as **Exhibit 6** is a true and accurate copy of a note which, although it may contain other handwriting, was written by you, in your capacity as trustee of, among other trusts, the Leslie Shapiro 1985 Trust.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

34. Admit that as set forth in the note, a copy of which is attached hereto as **Exhibit 6**, you instructed BLMIS to begin, as of January 1, 2000, making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

35. Admit that Leslie S. Citron instructed or directed you either to send the note, a copy of which is attached as **Exhibit 6**, to BLMIS or to notify BLMIS to start making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

36. Admit that in or about December of 1999, Leslie S. Citron was aware that you had notified BLMIS to start making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

37. Admit that starting in January of 2000 and continuing through at least December of 2002, Leslie S. Citron received a distribution or Transfer in the amount of \$10,000.00 each month from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

38. Admit that attached hereto as **Exhibit 7** is a true and accurate copy of a check that Leslie S. Citron received from BLMIS, which was made payable to "Leslie Shapiro 6/6/85 Trust" in the amount of \$10,000.00 and dated January 3, 2000.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

39. Admit that Leslie S. Citron endorsed and deposited the check, a copy of which is attached hereto as **Exhibit 7**, into a bank account held either solely or jointly in her name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

40. Admit that attached hereto as **Exhibit 8** is a true and accurate copy of a check that Leslie S. Citron received from BLMIS, which was made payable to "Leslie Shapiro Citron" in the amount of \$10,000.00 and dated January 2, 2001.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

41. Admit that Leslie S. Citron endorsed and deposited the check, a copy of which is attached hereto as **Exhibit 8**, into a bank account held either solely or jointly in her name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

42. Admit that in April of 2003, you arranged for BLMIS to wire the sum of \$1,250,000.00 into a bank account held either solely or jointly in Leslie S. Citron's name from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

43. Admit that in April of 2003, the sum of \$1,250,000.00 was deposited, through the means of a wire transfer, into a bank account held either solely or jointly in Leslie S. Citron's name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

44. Admit that in or about April of 2003, you arranged for the Split-Strike Account to be opened at BLMIS in Leslie S. Citron's name.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

45. Admit that attached hereto as **Exhibit 9** is a true and accurate copy of a "Trading Authorization Limited to Purchases and Sales of Securities and Options" which Leslie S. Citron signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

46. Admit that attached hereto as **Exhibit 10** is a true and accurate copy of an "Option Agreement" which Leslie S. Citron signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

47. Admit that attached hereto as **Exhibit 11** is a true and accurate copy of a “Customer Agreement” which Leslie S. Citron signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

48. Admit that attached hereto as **Exhibit 12** is a true and accurate copy of a document which Leslie S. Citron signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

49. Admit that the signature on the copy of the note attached hereto as **Exhibit 13** is Leslie S. Citron’s signature.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

50. Admit that attached hereto **Exhibit 13** is a true and accurate copy of a note which, although it may contain other handwriting, was written by you.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

51. Admit that attached hereto as **Exhibit 14** is a true and accurate copy of a note which, although it may contain other handwriting and a copy of a blank check with word “VOID” written on it, was written by you.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

52. Admit that in the note, a copy of which is attached hereto as Exhibit 14, you instructed BLMIS to wire on July 21, 2004 certain funds from the Portfolio Account and certain funds from the Split-Strike Account into a bank account held in Leslie S. Citron’s name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

53. Admit that on or about July 21, 2004, the total sum of \$1,300,000.00 was deposited into a bank account held in Leslie S. Citron’s name through the means of one or more wire transfers.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

54. Admit that according to the account statement issued by BLMIS for the Portfolio Account for the month of December of 2005, BLMIS reportedly transferred the sum of \$1,700,600.00 from the Portfolio Account into the Split-Strike Account.

**RESPONSE:** Admit.

55. Admit that in or about December of 2005, you caused BLMIS to reportedly transfer the sum of \$1,700,600.00 from the Portfolio Account into the Split-Strike Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

56. Admit that the signature on the copy of the letter attached hereto as **Exhibit 15** is Leslie S. Citron's signature.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

57. Admit that attached hereto **Exhibit 15** is a true and accurate copy of a note which, although it may contain other handwriting, was written by you.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

58. Admit that the signature on the copy of the letter attached hereto as **Exhibit 16** is *not* Leslie S. Citron's signature.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

59. Admit that the signature on the copy of the letter attached hereto as **Exhibit 16** was made by Kenneth Citron on Leslie S. Citron's behalf.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

60. Admit that the signature on the copy of the note attached hereto as **Exhibit 17** is *not* Leslie S. Citron's signature.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

61. Admit that the signature on the copy of the note attached hereto as **Exhibit 17** was made by you on behalf of Leslie S. Citron.

**RESPONSE:** Deny.

62. Admit that the handwriting, other than the check-mark, on the copy of the note attached hereto as **Exhibit 17** is your handwriting.

**RESPONSE:** Deny.

63. Admit that Leslie S. Citron did not receive a Transfer from BLMIS for the quarter ending June 30, 2008 from the Split-Strike Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

64. Admit that Leslie S. Citron received a Transfer from BLMIS for the quarter ending September 30, 2008 from the Split-Strike Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

65. Admit that in October of 2008, Leslie S. Citron received a Transfer from BLMIS in the amount of \$46,376.00 from the Split-Strike Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

66. Admit that between March 1, 2003 and December 11, 2008, a total of \$4,527,497.33 was withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

67. Admit that between March 1, 2003 and December 11, 2008, Leslie S. Citron received from BLMIS a total of \$4,527,497.33 in Transfers withdrawn from the Split-Strike Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

68. Admit that between December 12, 2006 and December 11, 2008, a total of \$678,303.59 was withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

69. Admit that between December 12, 2006 and December 11, 2008, Leslie S. Citron received from BLMIS a total of \$678,303.59 in Transfers withdrawn from the Split-Strike Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

Dated: November 7, 2016

By: **/s/ Barry R. Lax**  
Barry R. Lax, Esq.  
Robert R. Miller, Esq.  
**LAX & NEVILLE LLP**  
1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999




**VERIFICATION**

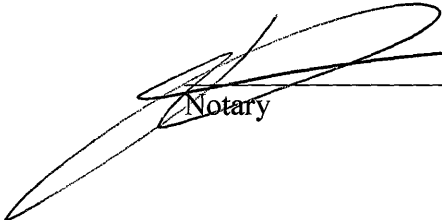
STATE OF NEW YORK                    )  
  ) SS  
COUNTY OF NEW YORK                )

Stanley Shapiro, being duly sworn, says that he has read the foregoing Responses to the Trustee's First Set of Requests for Admission to Defendant Stanley Shapiro, and that the responses set forth therein are true to the best of his knowledge, information, and belief.

Dated: November 4, 2016

By:   
Stanley Shapiro

The foregoing was signed before me on this 4 day of Nov 2016 by Stanley Shapiro, who is known to me or produced a driver licenses as identification, and who did take an oath that the statements contained in this document are true and correct to the best of his knowledge, information and belief.

  
Notary

ROBERT R. MILLER  
Notary Public, State of New York  
Registration #02MI6344760  
Qualified In New York County  
Commission Expires July 11, 2020

# **EXHIBIT D**

**LAX & NEVILLE LLP**

1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999  
Facsimile: (212) 566-4531  
Barry R. Lax, Esq. (BL1302)  
Robert R. Miller, Esq. (RM0630)

*Attorneys for Defendants*

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

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

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.

STANLEY SHAPIRO, *et al.*,

Defendants.

Adv. Pro. No. 10-05383 (SMB)

**DEFENDANT'S RESPONSE TO TRUSTEE'S SECOND SET OF  
REQUESTS FOR ADMISSION TO DEFENDANT STANLEY SHAPIRO**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Rules 7026 and 7036 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and the Local Civil Rules of the United States District Court for the Southern District of New York and this Court (the "Local Rules"), Defendant Stanley Shapiro responds to the Second Set of Requests for Admission to Defendant Stanley Shapiro ("Admission Requests") by Irving H. Picard as trustee (the "Trustee") for the liquidation of Bernard L. Madoff Investment Securities LLC ("BLIMIS"), as follows:

**GENERAL OBJECTIONS AND RESPONSES**

1. Defendant objects to the Admission Requests to the extent that they seek to enlarge and expand the scope of discovery as set forth by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure and the Local Rules of this District and this Court.
2. Defendant objects to the Requests to the extent that they seek information that is neither relevant to the claims or defenses of any party to this litigation nor reasonably calculated to lead to the discovery of admissible evidence.
3. Defendant objects to the Requests to the extent that they seek information relevant only to causes of action that have been dismissed.
4. Defendant objects to any Request that employs imprecise specifications of the information sought as vague and ambiguous.
5. Defendant objects to the Requests to the extent that they are not limited by an appropriate time restriction or are outside the time period designated.

6. The following Responses reflect Defendant's present knowledge and information, and may be subject to change or modification based on Defendant's further discovery. Where Defendant states that he lacks knowledge or information to admit or deny a request, he hereby states that he has made reasonable inquiry and that the information he knows or can readily obtain is insufficient to enable him to admit or deny the request. Defendant specifically reserves the right to further supplement, amend or otherwise revise his Responses to these Requests in accordance with Fed. R. Civ. P. 26(e).

#### **SPECIFIC OBJECTIONS AND RESPONSES**

The responses to the specific requests set forth below shall be deemed to incorporate, and shall not be deemed a waiver of, the foregoing General Objections.

1. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of an indenture of trust dated August 15, 1989.

**RESPONSE:** Admit.

2. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which you signed or executed on August 15, 1989.

**RESPONSE:** Admit.

3. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which David Shapiro signed or executed on August 15, 1989.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

4. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which Renee Shapiro signed or executed on August 15, 1989.

**RESPONSE:** Admit.

5. Admit that the trust created by the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, was referred to as the "David Shapiro 1989 Trust."

**RESPONSE:** Admit.

6. Admit that under the terms of the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, you and Renee Shapiro were appointed to serve as trustees of the David Shapiro 1989 Trust.

**RESPONSE:** Admit.

7. Admit that David Shapiro was the primary beneficiary of the David Shapiro 1989 Trust.

**RESPONSE:** Admit.

8. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which you signed or executed on June 1, 1995.

**RESPONSE:** Admit.

9. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which David Shapiro signed or executed on June 1, 1995.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

10. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which Renee Shapiro signed or executed on June 1, 1995.

**RESPONSE:** Admit.

11. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of an amendment to indenture of trust which amended certain of the terms of the David Shapiro 1989 Trust.

**RESPONSE:** Admit.

12. Admit that, with the exception of the amendment attached hereto as **Exhibit 2**, the David Shapiro 1989 Trust was not amended at any other time.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

13. Admit that from August 15, 1989 through at least December 31, 2005, you and Renee Shapiro continuously served as the trustees of the David Shapiro 1989 Trust.

**RESPONSE:** Admit.

14. Admit that in or about February of 1990, either you, Renee Shapiro or both of you, in your capacity as a trustee or the trustees of the David Shapiro 1989 Trust, caused BLMIS to open the Portfolio Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

15. Admit that between the date that the Portfolio Account was opened and December 11, 2008, no cash was ever provided to or deposited with BLMIS to purportedly invest in the Portfolio Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

16. Admit that between January 1, 1990 and December 11, 2008, a total of \$2,287,500.00 was withdrawn from the Portfolio Account.

**RESPONSE:** Admit.

17. Admit that between January 1, 1990 and December 11, 2008, David Shapiro received a total of \$2,287,500.00 in Transfers withdrawn from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

18. Admit that between January 1, 1999 and December 11, 2008, a total of \$1,920,000.00 was withdrawn from the Portfolio Account.

**RESPONSE:** Admit.

19. Admit that between January 1, 1999 and December 11, 2008, David Shapiro received a total of \$1,920,000.00 in Transfers withdrawn from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

20. Admit that attached hereto as **Exhibit 3** is a true and accurate copy of a note which, although it may contain other handwriting, was written by you.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

21. Admit that attached hereto as **Exhibit 4** is a true and accurate copy of a note which, although it may contain other handwriting, was written by you, in your capacity as trustee of, among other trusts, the David Shapiro 1989 Trust.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

22. Admit that as set forth in the note, a copy of which is attached hereto as **Exhibit 4**, you instructed BLMIS to begin, as of January of 1998, making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

23. Admit that David Shapiro instructed or directed you either to send to BLMIS the note, a copy of which is attached as **Exhibit 4**, or to notify BLMIS to start making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

24. Admit that in or about December of 1997, David Shapiro was aware that you either had provided to BLMIS the note, a copy of which is attached as **Exhibit 4**, or had otherwise notified BLMIS to start making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

25. Admit that starting in January of 1998 and continuing through December of 1999, David Shapiro received a distribution or Transfer in the amount of \$7,500.00 each month from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

26. Admit that attached hereto as **Exhibit 5** is a true and accurate copy of a check that David Shapiro received from BLMIS, which was made payable to "David Shapiro 6/6/85 Trust" in the amount of \$7,500.00 and dated January 4, 1999.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.



27. Admit that David Shapiro endorsed and deposited the check, a copy of which is attached hereto as **Exhibit 5**, into a bank account held either solely or jointly in his name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

28. Admit that attached hereto as **Exhibit 6** is a true and accurate note which, although it may contain other handwriting, was written by you, in your capacity as the trustee of, among other trusts, the David Shapiro 1989 Trust.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

29. Admit that as set forth in the note, a copy of which is attached hereto as **Exhibit 6**, you instructed BLMIS to begin, as of January of 2000, making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

30. Admit that David Shapiro instructed or directed your either to send the note, a copy of which is attached as **Exhibit 6**, to BLMIS or to notify BLMIS to start making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

31. Admit that in or about December of 1999, David Shapiro was aware that you had notified BLMIS to start making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

32. Admit that starting in January of 2000 and continuing through at least December of 2002, David Shapiro received a distribution or Transfer in the amount of \$10,000.00 each month from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

33. Admit that attached hereto as **Exhibit 7** is a true and accurate copy of a check that David Shapiro received from BLMIS, which was made payable to the "David Shapiro 6/6/85 Trust" in the amount of \$10,000.00 and dated January 3, 2000.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

34. Admit that David Shapiro endorsed and deposited the check, a copy of which is attached hereto as **Exhibit 7**, into a bank account held either solely or jointly in his name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

35. Admit that in or about May 1997, either you, Renee Shapiro or both of you arranged for the Split-Strike Account to be opened at BLMIS in David Shapiro's name or for his benefit.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

36. Admit between May of 1997 and March of 2003, the reported address on the Split-Strike Account was that of your residence in New York, New York.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

37. Admit that in April of 2003, you arranged for BLMIS to wire the sum of \$1,200,000.00 into a bank account held by David Shapiro from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

38. Admit that in April of 2003, the sum of \$1,200,000.00 was wired by BLMIS into a bank account that David Shapiro held at JPMorgan Chase Bank.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

39. Admit that attached hereto as **Exhibit 8** is a true and accurate copy of a note which, although it may contain other handwriting, was written by you.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

40. Admit that in August of 2003, the sum of \$520,000.00 was wired by BLMIS into a bank account that David Shapiro held at JPMorgan Chase Bank.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

41. Admit that according to the account statement issued by BLMIS for the Split-Strike Account for the month of December of 2005, BLMIS reportedly transferred the sum of \$2,500,000.00 from the Portfolio Account into the Split-Strike Account and this reported transfer was made at your request.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

42. Admit that attached hereto as **Exhibit 9** is a true and accurate copy of a note which, although it may contain other handwriting, was written by you.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

43. Admit that the signature on the copy of the note attached hereto as **Exhibit 9** is *not* David Shapiro's signature.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

44. Admit that the signature on the copy of the note attached hereto as **Exhibit 9** was either forged by you or was made by you on David Shapiro's behalf.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

45. Admit that on or about December 13, 2005, the sum of \$2,500,000.00 was wired by BLMIS into a bank account that David Shapiro held at JPMorgan Chase Bank.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

46. Admit that attached hereto as **Exhibit 10** is a true and accurate note which, although it may contain other handwriting, was written by you.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

47. Admit that the signature on the copy of the note attached hereto as **Exhibit 10** is *not* David Shapiro's signature.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

48. Admit that the signature on the copy of the note attached hereto as **Exhibit 10** was either forged by you or was made by you on behalf of David Shapiro.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

49. Admit that attached hereto as **Exhibit 11** is a true and accurate copy of a note which, although it may contain other handwriting, was written by you.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

50. Admit that the signature on the copy of the note attached hereto as **Exhibit 11** is *not* David Shapiro's signature.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

51. Admit that the signature on the copy of the note attached hereto as **Exhibit 11** was either forged by you or was made by you on behalf of David Shapiro.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

52. Admit that attached hereto as **Exhibit 12** is a true and accurate copy of a note which, although it may contain other handwriting, was written by David Shapiro.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

53. Admit that the signature on the copy of the note attached hereto as **Exhibit 12** is David Shapiro's signature.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

54. Admit that attached hereto as **Exhibit 13** is a true and accurate copy of a "Trading Authorization Limited to Purchases and Sales of Securities and Options" which David Shapiro signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

55. Admit that attached hereto as **Exhibit 14** is a true and accurate copy of an “Option Agreement” which David Shapiro signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

56. Admit that attached hereto as **Exhibit 15** is a true and accurate copy of a “Customer Agreement” which David Shapiro signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

57. Admit that between the date that the Split-Strike Account was opened and December 11, 2008, no cash was ever provided to or deposited with BLMIS to purportedly invest in the Split-Strike Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

58. Admit that between the date the Split-Strike Account was opened and December 11, 2008, a total of \$5,113,989.71 was withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

59. Admit that between the date the Split-Strike Account was opened and December 11, 2008, David Shapiro received a total of \$5,113,989.71 in Transfers withdrawn from the Split-Strike Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

60. Admit that between January 1, 1999 and December 11, 2008, a total of \$5,103,989.71 was withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

61. Admit that between January 1, 1999 and December 11, 2008, David Shapiro received a total of \$5,103,989.71 in Transfers withdrawn from the Split-Strike Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action that have been dismissed.

62. Admit that between December 12, 2006 and December 11, 2008, a total of \$1,014,120.71 was withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

63. Admit that between December 12, 2006 and December 11, 2008, David Shapiro received a total of \$1,014,120.71 in Transfers withdrawn from the Split-Strike Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

Dated: November 7, 2016

By: /s/ Barry R. Lax  
Barry R. Lax, Esq.  
Robert R. Miller, Esq.  
**LAX & NEVILLE LLP**  
1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999

VERIFICATION

STATE OF NEW YORK

COUNTY OF NEW YORK

)  
) SS  
)

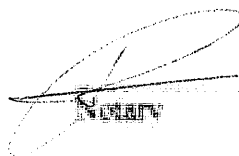
Stanley Shapiro, being duly sworn, says that he has read the foregoing Responses to the Trustee's Second Set of Requests for Admission to Defendant Stanley Shapiro, and that the responses set forth therein are true to the best of his knowledge, information, and belief.

Dated: November 4, 2016

By

  
Stanley Shapiro

The foregoing was signed before me on this 4 day of Nov 2016 by Stanley Shapiro, who is known to me or produced a driver licenses as identification, and who did take an oath that the statements contained in this document are true and correct to the best of his knowledge, information and belief.

  
Notary

ROBERT R. MILLER  
Notary Public, State of New York  
Registration #02MI6344760  
Qualified in New York County  
Commission Expires July 11, 2020

# **EXHIBIT E**



**LAX & NEVILLE LLP**

1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999  
Facsimile: (212) 566-4531  
Barry R. Lax, Esq. (BL1302)  
Robert R. Miller, Esq. (RM0630)

*Attorneys for Defendants*

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

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

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.

STANLEY SHAPIRO, *et al.*,

Defendants.

Adv. Pro. No. 10-05383 (SMB)

**DEFENDANT’S RESPONSE TO TRUSTEE’S FIRST SET OF  
REQUESTS FOR ADMISSION TO DEFENDANT DAVID SHAPIRO**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Rules 7026 and 7036 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and the Local Civil Rules of the United States District Court for the Southern District of New York and this Court (the “Local Rules”), Defendant David Shapiro responds to the First Set of Requests for Admission to Defendant David Shapiro (“Admission Requests”) by Irving H. Picard as trustee (the “Trustee”) for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLIMIS”), as follows:

**GENERAL OBJECTIONS AND RESPONSES**

1. Defendant objects to the Admission Requests to the extent that they seek to enlarge and expand the scope of discovery as set forth by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure and the Local Rules of this District and this Court.
2. Defendant objects to the Requests to the extent that they seek information that is neither relevant to the claims or defenses of any party to this litigation nor reasonably calculated to lead to the discovery of admissible evidence.
3. Defendant objects to the Requests to the extent that they seek information relevant only to causes of action that have been dismissed.
4. Defendant objects to any Request that employs imprecise specifications of the information sought as vague and ambiguous.
5. Defendant objects to the Requests to the extent that they are not limited by an appropriate time restriction or are outside the time period designated.

6. The following Responses reflect Defendant's present knowledge and information, and may be subject to change or modification based on Defendant's further discovery. Where Defendant states that he lacks knowledge or information to admit or deny a request, he hereby states that he has made reasonable inquiry and that the information he knows or can readily obtain is insufficient to enable him to admit or deny the request. Defendant specifically reserves the right to further supplement, amend or otherwise revise his Responses to these Requests in accordance with Fed. R. Civ. P. 26(e).

#### **SPECIFIC OBJECTIONS AND RESPONSES**

The responses to the specific requests set forth below shall be deemed to incorporate, and shall not be deemed a waiver of, the foregoing General Objections.

1. Admit that you were born on [REDACTED].

**RESPONSE:** Admit.

2. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of an indenture of trust dated August 15, 1989.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

3. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which you signed or executed on August 15, 1989.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that his signature appears on page 19 of the document at issue.

4. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which Stanley Shapiro signed or executed on August 15, 1989.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

5. Admit that attached hereto as **Exhibit 1** is a true and accurate copy of a document which Renee Shapiro signed or executed on August 15, 1989.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

6. Admit that the trust created by the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, was initially referred to as the "David Shapiro 1989 Trust."

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

7. Admit that under the terms of the indenture of trust, a copy of which is attached hereto as **Exhibit 1**, Stanley Shapiro and Renee Shapiro were appointed to serve as trustees of the David Shapiro 1989 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

8. Admit that you were the primary beneficiary of the David Shapiro 1989 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

9. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which you signed or executed on June 1, 1995.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that his signature appears on the second page of the document at issue, Bates-stamped "AMF00237414."

10. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which Stanley Shapiro signed or executed on June 1, 1995.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

11. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of a document which Renee Shapiro signed or executed on June 1, 1995.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

12. Admit that attached hereto as **Exhibit 2** is a true and accurate copy of an

amendment to indenture of trust which amended certain of the terms of the David Shapiro 1989 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Further responding, Respondent states that the document speaks for itself.

13. Admit that, with the exception of the amendment attached hereto as Exhibit 2, the David Shapiro 1989 Trust was not amended at any other time.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

14. Admit that from August 15, 1989 through at least December 31, 2005, Stanley Shapiro and Renee Shapiro continuously served as the trustees of the David Shapiro 1989 Trust.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

15. Admit that in or about February of 1990, either Stanley Shapiro, Renee Shapiro or both of them, in their capacity as a trustee or the trustees of the David Shapiro 1989 Trust, caused BLMIS to open the Portfolio Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

16. Admit that between the date that the Portfolio Account was opened and December 11, 2008, no cash was ever provided to or deposited with BLMIS to purportedly invest in the Portfolio Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

17. Admit that between January 1, 1990 and December 11, 2008, a total of \$2,287,500.00 was withdrawn from the Portfolio Account.

**RESPONSE:** Admit.

18. Admit that between January 1, 1990 and December 11, 2008, you received a total of \$2,287,500.00 in Transfers withdrawn from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

19. Admit that between January 1, 1999 and December 11, 2008, a total of \$1,920,000.00 was withdrawn from the Portfolio Account.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

20. Admit that between January 1, 1999 and December 11, 2008, you received a total of \$1,920,000.00 in Transfers withdrawn from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

21. Admit that attached hereto as **Exhibit 3** is a true and accurate copy of a note which, although it may contain certain other handwriting, was written by Stanley Shapiro.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

22. Admit that attached hereto as **Exhibit 4** is a true and accurate copy of a note which, although it may contain certain other handwriting, was written by Stanley Shapiro, in his capacity as trustee of, among other trusts, the David Shapiro 1989 Trust.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

23. Admit that as set forth in the note, a copy of which is attached hereto as **Exhibit 4**, Stanley Shapiro instructed BLMIS to begin, as of January of 1998, making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

24. Admit that you instructed or directed Stanley Shapiro either to send to BLMIS the note, a copy of which is attached as **Exhibit 4**, or to notify BLMIS to start making monthly distributions in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

25. Admit that in or about December of 1997, you were aware that Stanley Shapiro either had provided to BLMIS the note, a copy of which is attached as **Exhibit 4**, or had otherwise notified BLMIS to start making monthly distributions or Transfers in the amount of \$7,500.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

26. Admit that starting in January of 1998 and continuing through December of 1999, you received a distribution or Transfer in the amount of \$7,500.00 each month from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

27. Admit that attached hereto as **Exhibit 5** is a true and accurate copy of a check that you received from BLMIS, which was made payable to "David Shapiro 6/6/85 Trust" in the amount of \$7,500.00 and dated January 4, 1999.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

28. Admit that you endorsed and deposited the check, a copy of which is attached hereto as **Exhibit 5**, into a bank account held either solely or jointly in your name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

29. Admit that attached hereto as **Exhibit 6** is a true and accurate note which, although it may contain other handwriting, was written by Stanley Shapiro, in his capacity as the trustee of, among other trusts, the David Shapiro 1989 Trust.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

30. Admit that as set forth in the note, a copy of which is attached hereto as **Exhibit 6**, Stanley Shapiro instructed BLMIS to begin, as of January of 2000, making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

31. Admit that you instructed or directed Stanley Shapiro either to send the note, a copy of which is attached as **Exhibit 6**, to BLMIS or to notify BLMIS to start making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

32. Admit that in or about December of 1999, you were aware that Stanley Shapiro had notified BLMIS to start making monthly distributions or Transfers in the amount of \$10,000.00 from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

33. Admit that starting in January of 2000 and continuing through at least December of 2002, you received a distribution or Transfer in the amount of \$10,000.00 each month from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

34. Admit that attached hereto as **Exhibit 7** is a true and accurate copy of a check that you received from BLMIS, which was made payable to the "David Shapiro 6/6/85 Trust" in the amount of \$10,000.00 and dated January 3, 2000.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

35. Admit that you endorsed and deposited the check, a copy of which is attached hereto as **Exhibit 7**, into a bank account held either solely or jointly in your name.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.



36. Admit that in or about May 1997, either Stanley Shapiro, Renee Shapiro or both of them arranged for the Split-Strike Account to be opened at BLMIS in your name or for your benefit.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

37. Admit between May of 1997 and March of 2003, the reported address on the Split-Strike Account was that of Stanley and Renee Shapiro's residence in New York, New York.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

38. Admit that in April of 2003, Stanley Shapiro arranged for BLMIS to wire the sum of \$1,200,000.00 into a bank account held in your name from the Portfolio Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

39. Admit that in April of 2003, the sum of \$1,200,000.00 was wired by BLMIS into a bank account that you held at JPMorgan Chase.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

40. Admit that attached hereto as **Exhibit 8** is a true and accurate copy of a note which, although it may contain other handwriting, was written by Stanley Shapiro.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

41. Admit that in August of 2003, the sum of \$520,000.00 was wired by BLMIS into a bank account that you held at JPMorgan Chase.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

42. Admit that according to the account statement issued by BLMIS for the Split-Strike Account for the month of December of 2005, BLMIS reportedly transferred the sum of

\$2,500,000.00 from the Portfolio Account into the Split-Strike Account and this reported transfer was made at the request of Stanley Shapiro.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

43. Admit that attached hereto as **Exhibit 9** is a true and accurate copy of a note which, although it may contain other handwriting, was written by Stanley Shapiro.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

44. Admit that the signature on the copy of the note attached hereto as **Exhibit 9** is not your signature.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

45. Admit that the signature on the copy of the note attached hereto as **Exhibit 9** was either forged by Stanley Shapiro or was made by Stanley Shapiro on your behalf.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

46. Admit that on or about December 13, 2005, the sum of \$2,500,000.00 was wired by BLMIS into a bank account that you held at JPMorgan Chase Bank.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

47. Admit that attached hereto as **Exhibit 10** is a true and accurate note which, although it may contain other handwriting, was written by Stanley Shapiro.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

48. Admit that the signature on the copy of the note attached hereto as **Exhibit 10** is not your signature.

**RESPONSE:** Deny.

49. Admit that the signature on the copy of the note attached hereto as **Exhibit 10** was either forged by Stanley Shapiro or was made by Stanley Shapiro on your behalf.

**RESPONSE:** Deny.

50. Admit that attached hereto as **Exhibit 11** is a true and accurate copy of a note which, although it may contain other handwriting, was written by Stanley Shapiro.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

51. Admit that the signature on the copy of the note attached hereto as **Exhibit 11** is not your signature.

**RESPONSE:** Deny.

52. Admit that the signature on the copy of the note attached hereto as **Exhibit 11** was either forged by Stanley Shapiro or was made by Stanley Shapiro on your behalf.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

53. Admit that attached hereto as **Exhibit 12** is a true and accurate copy of a note which, although it may contain other handwriting, was written by you.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission.

54. Admit that the signature on the copy of the note attached hereto as **Exhibit 12** is your signature.

**RESPONSE:** Admit.

55. Admit that attached hereto as **Exhibit 13** is a true and accurate copy of a "Trading Authorization Limited to Purchases and Sales of Securities and Options" which you signed

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that his signature appears on the page Bates-stamped "AMF00214825."

56. Admit that attached hereto as **Exhibit 14** is a true and accurate copy of an "Option Agreement" which you signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that his signature appears on the page Bates-stamped "AMF00214827."

57. Admit that attached hereto as **Exhibit 15** is a true and accurate copy of a "Customer Agreement" which you signed.

**RESPONSE:** Respondent lacks knowledge or information sufficient to admit or deny this request for admission. Respondent admits that his signature appears on the page Bates-stamped "AMF00214830."

58. Admit that between the date the Split-Strike Account was opened and December 11, 2008, a total of \$5,113,989.71 was withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

59. Admit that between the date the Split-Strike Account was opened and December 11, 2008, you received a total of \$5,113,989.71 in Transfers withdrawn from the Split-Strike Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

60. Admit that between January 1, 1999 and December 11, 2008, a total of \$5,103,989.71 was withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

61. Admit that between January 1, 1999 and December 11, 2008, you received a total of \$5,103,989.71 in Transfers withdrawn from the Split-Strike Account.

**RESPONSE:** Respondent objects to this request on the grounds that it is irrelevant, outside the relevant time period, and relates only to causes of action against him that have been dismissed.

62. Admit that between December 12, 2006 and December 11, 2008, a total of \$1,014,120.71 was withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

63. Admit that between December 12, 2006 and December 11, 2008, you received a total of \$1,014,120.71 in Transfers withdrawn from the Split-Strike Account.

**RESPONSE:** Admit.

Dated: November 7, 2016

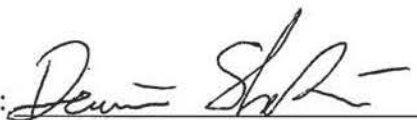
By: **/s/ Barry R. Lax**  
Barry R. Lax, Esq.  
Robert R. Miller, Esq.  
**LAX & NEVILLE LLP**  
1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999

VERIFICATION

STATE OF NEW YORK            )  
  ) SS  
COUNTY OF NEW YORK        )

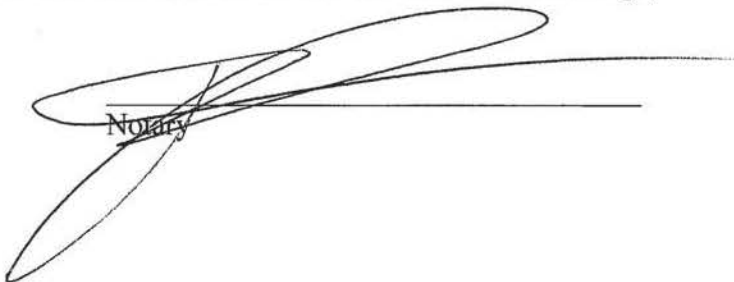
David Shapiro, being duly sworn, says that he has read the foregoing Responses to the Trustee's First Set of Requests for Admission to Defendant David Shapiro, and that the responses set forth therein are true to the best of his knowledge, information, and belief.

Dated: November 7, 2016

By:   
David Shapiro

The foregoing was signed before me on this 7 day of Nov 2016 by David Shapiro, who is known to me or produced a driver licenses as identification, and who did take an oath that the statements contained in this document are true and correct to the best of his knowledge, information and belief.

ROBERT R. MILLER  
Notary Public, State of New York  
Registration #02MI6344760  
Qualified In New York County  
Commission Expires July 11, 2020

  
Notary

# **EXHIBIT F**

**LAX & NEVILLE LLP**

1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999  
Facsimile: (212) 566-4531

*Attorneys for Defendant Stanley Shapiro*

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

-----X	
SECURITIES INVESTOR PROTECTION	:
CORPORATION,	:
	:
Plaintiff-Applicant,	:
	:
v.	:
	:
BERNARD L. MADOFF INVESTMENT	:
SECURITIES LLC,	:
	:
Defendant.	:
-----X	
In re:	:
	:
BERNARD L. MADOFF,	:
	:
Debtor,	:
-----X	
IRVING H. PICARD, Trustee for the Liquidation	:
of Bernard L. Madoff Investment Securities LLC,	:
	:
Plaintiff,	:
	:
v.	:
	:
STANLEY SHAPIRO, <i>et al.</i> ,	:
	:
Defendants.	:
-----X	

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

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05383 (BRL)

**DEFENDANT STANLEY SHAPIRO'S RESPONSES TO  
TRUSTEE IRVING H. PICARD'S FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO DEFENDANT STANLEY SHAPIRO**



Defendant, Stanley Shapiro (“Stanley Shapiro” and/or “Defendant”), by and through his attorneys, Lax & Neville LLP, hereby submits to Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (“Trustee” and/or “Plaintiff”), the following responses and objections to Trustee Irving H. Picard’s First Set of Requests for Production of Documents to Defendant Stanley Shapiro. Defendant reserves the right to supplement these responses prior to the hearing of this matter. Reference to “responsive, relevant documents” refers only to those documents in Defendant’s possession, custody and/or control.

### **GENERAL OBJECTIONS**

Each of the responses below is made subject to and without waiving the following general objections and explanatory statement:

1. The foregoing Responses and Objections are based upon the facts, documents and information presently known and available to Defendant. Discovery, investigation, and analysis are ongoing and may disclose the existence of additional facts, add meaning to known facts, and establish entirely new factual conclusions or legal contentions, or possibly lead to additions, variations or changes to these Responses.
2. The agreement by Defendant to produce a document or category of documents is not a representation that such document or category of documents exists or is in Defendant’s possession, custody and/or control.
3. Defendant objects to each Request to the extent that it seeks information and/or documents protected from disclosure based on the attorney-client privilege, the attorney work product doctrine or any other applicable privilege or substantive right, such as the right of privacy.

4. Defendant objects to each Request to the extent it seeks documents that are not within his possession, custody and/or control.

5. Defendant objects to each Request to the extent it seeks documents from an “Applicable Period” beyond the time period relevant to the claim or defense at issue.

6. Defendant’s production of any document shall not be construed as a waiver of any objection Defendant might later assert to Plaintiff’s proposed introduction of such document into evidence.

7. Defendant’s Responses and Objections to the individual requests shall be deemed to incorporate, and shall not be deemed a waiver of, these General Objections.

8. Defendant objects to Requests seeking “all” documents or “every” document to the extent that such requests require Defendant to do more than use reasonable diligence to locate responsive and non-privileged documents based on an examination of those files that may reasonably be expected to yield such documents. Such requests are overly broad, unduly burdensome, and oppressive.

### **RESPONSES TO DOCUMENT REQUESTS**

#### **BLMIS-Related Documents**

**Request No. 1:** All documents concerning the opening of any of the BLMIS Accounts.

**Response No. 1:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant, non-privileged documents in his possession that have not yet been produced.

**Request No. 2:** All account statements concerning any of the BLMIS Accounts, including all original, draft, returned, altered, revised, amended or destroyed accounts statements.

**Response No. 2:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that have already been produced, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant documents in his possession that have not yet been produced.

**Request No. 3:** **All agreements with BLMIS, including Customer Agreements, Option Agreements, Trading Authorizations Limited to Purchases and Sales of Securities and Options, or any other documents executed between You or any of the Family Members, on the one hand, and BLMIS, on the other hand.**

**Response No. 3:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that have already been produced, seems documents that have already been produced, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant documents in his possession that have not yet been produced. .

**Request No. 4:** **All other documents You or any Family Member received from BLMIS concerning any of the BLMIS Accounts.**

**Response No. 4:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that have already been produced, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant documents in his possession that have not yet been produced.

**Request No. 5:** **All documents concerning the circumstances under which You or any Family Member began or continued to invest with BLMIS, including but not limited to documents concerning Your or any Family Member's decision to invest or to remain invested with BLMIS.**

**Response No. 5:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 6:** **All documents and communications between You and any Family Member concerning BLMIS or any of the BLMIS Accounts**

**Response No. 6:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not

reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 7:** All documents and communications between You or any Family Member, on the one hand, and either Madoff, Annette Bongiorno or any other BLMIS employee, on the other hand, regarding any of the BLMIS Accounts, including but not limited to notes, faxes, letters, calendar entries, emails or telephone records.

**Response No. 7:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, already in Plaintiff's possession, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 8:** All notes, whether made by You, any Family Member, Madoff, Annette Bongiorno or any other employee of BLMIS, concerning any of the BLMIS Accounts.

**Response No. 8:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, already in Plaintiff's possession, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 9:** All documents concerning any purported investment strategy of either BLMIS or Madoff or financial advice provided by either BLMIS or Madoff to You or any Family Member.

**Response No. 9:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 10:** All documents concerning the source of funds provided to BLMIS to purportedly invest in any of the BLMIS Accounts, including but not limited to Account Nos. 1C1327, 1C1345, and 1S0540. For the avoidance of any doubt, such documents shall include, but are not limited to, bank statements, account ledgers, cancelled checks or correspondence.

**Response No. 10:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 11:** All documents or communications between You and any other BLMIS investors, regardless of whether such individuals were BLMIS investors at the time of the communication (including but not limited

**to Ed Kostin, Carl Shapiro, and/or any investors You referred to BLMIS), concerning BLMIS.**

**Response No. 11:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 12:** **All documents concerning any purported realized or unrealized gains, losses, or returns in connection with any of the BLMIS Accounts, including but not limited to any schedules of realized and/or unrealized gains and losses or other analyses performed by You or any Accountant concerning any of the BLMIS Accounts.**

**Response No. 12:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, irrelevant, outside the relevant time period, seeks documents that are privileged, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant, and non-privileged documents in his possession.

**Request No. 13:** **All documents concerning any reported margin balance in any of the BLMIS Accounts.**

**Response No. 13:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, irrelevant, and outside the relevant time period and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant, and non-privileged documents in his possession.

**Request No. 14:** **All documents concerning any backdated or cancelled trade or any request to backdate or cancel any trade in any of the BLMIS Accounts, including but not limited to any account statement reflecting any backdated trade and/or any substitute or replacement account statement provided by BLMIS and/or Madoff to You, any Family Member, or any Accountant.**

**Response No. 14:** Defendant objects to this request on the grounds that it is overly broad, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents already in the possession of Plaintiff. Defendant further objects to this request on the ground that it calls for a legal conclusion. Notwithstanding these objections, Defendant will produce any and all account statements in his possession (See: Response No. 2).

**Request No. 15:** All documents concerning the destruction, the return to BLMIS or other disposition of any documents concerning any of the BLMIS Accounts, including but not limited to any account statements.

**Response No. 15:** Defendant objects to this request on the grounds that it is vague, overly broad, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce any and all account statements in his possession (See: Response No. 2).

**Request No. 16:** All documents concerning any relationship (whether social, personal, professional or otherwise) between You or any Family Member, on the one hand, and Madoff, Ruth Madoff, Peter Madoff, Mark Madoff, Andrew Madoff, Marion Madoff, Annette Bongiorno or David Kugel, on the other hand, including but not limited to documents concerning any Interbourse events.

**Response No. 16:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, irrelevant, outside the relevant time period, seeks documents that are privileged, and seeks documents already in the possession of Plaintiff.

**Request No. 17:** All documents concerning Your employment at BLMIS, including but not limited to any documents evidencing: any work performed by You; the scope of or limitations upon Your responsibilities at BLMIS; Your involvement in trading at BLMIS; and Your salary, benefits or other compensation received from BLMIS.

**Response No. 17:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant, and non-privileged documents in his possession.

**Request No. 18:** All documents concerning Your and/or Your wife's travel on any jet owned, leased or chartered by BLMIS or Madoff.

**Response No. 18:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence.

**Trust-Related Documents and Gifts**

**Request No. 19:** All documents and communications concerning the formation of the LAD Trust, the Adam Shapiro 1985 Trust, the Leslie Shapiro 1985 Trust, the David Shapiro 1989 Trust, the Trust f/b/o David Shapiro's Children or the Trust f/b/o Leslie Shapiro Citron's Children.

**Response No. 19:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 20:** All documents and communications concerning amending or restating the LAD Trust, the Adam Shapiro 1985 Trust, the Leslie Shapiro 1985 Trust, the David Shapiro 1989 Trust, the Trust f/b/o David Shapiro's Children or the Trust f/b/o Leslie Shapiro Citron's Children.

**Response No. 20:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 21:** All documents concerning any other entity or trust owned, managed, or controlled, either directly or indirectly, during the Applicable Period, by You or any Family Members (including but not limited to S&R Investment Company), including but not limited to any and all communications between or among You, any Family Members, or others regarding such entities and/or trusts, and including but not limited to communications sent or received by You on behalf of such entities or trusts. This request includes but is not limited to formation documents, meeting minutes, account statements, and bank statements.

**Response No. 21:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 22:** All documents concerning any gifts or the transfer of any funds to the LAD Trust, the Adam Shapiro 1985 Trust, the Leslie Shapiro 1985 Trust, the David Shapiro 1989 Trust, the Trust f/b/o David Shapiro's Children or the Trust f/b/o Leslie Shapiro Citron's Children, or any of the trustees thereof, during the Applicable Period.

**Response No. 22:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 23:** Documents sufficient to show all monetary gifts that You or Your wife gave to any of Your grandchildren during the Applicable Period. For the avoidance of any doubt, such documents shall include, but are not limited to, bank statements, account ledgers, cancelled checks or correspondence.

**Response No. 23:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents relating to claims and parties that have been dismissed.

**Accounting-Related and Tax-Related Documents**

**Request No. 24:** The retention agreement or engagement letter of any Accountant engaged by You or any Family Member to perform any type of services concerning any of the BLMIS Accounts.

**Response No. 24:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents that are privileged.

**Request No. 25:** All documents provided to You or any Family Member by any Accountant engaged by You or any Family Member to perform any type of services concerning any of the BLMIS Accounts, including but not limited to schedules of realized or unrealized gains and losses or any other type of analysis.

**Response No. 25:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents that are privileged.

**Request No. 26:** All documents You or any Family Member provided to any Accountant engaged by You or any Family Member to perform accounting services concerning any of the BLMIS Accounts.

**Response No. 26:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not



reasonably likely to lead to the discovery of admissible evidence, and seeks documents that are privileged.

**Request No. 27:** All documents provided to You or any Family Member concerning any income, gain, loss, any other benefit, and/or return purportedly realized, earned or otherwise obtained by You or any Family Member in connection with direct and/or indirect investments with BLMIS, including but not limited to the BLMIS Accounts, or with any entities, trusts, companies, or other investments owned, directly or indirectly, by BLMIS, Madoff, Peter Madoff, Mark Madoff or Andrew Madoff.

**Response No. 27:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents that are privileged.

**Request No. 28:** All documents concerning Your relationship, social or otherwise, with Paul Konigsberg or any employee of Konigsberg Wolf & Co.

**Response No. 28:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 29:** All communications between or among You, any Family Member, Paul Konigsberg, any other Accountant, any employee of BLMIS and/or Madoff concerning any tax issue or other matter relating to any of the BLMIS Accounts, including but not limited to the realization or generation of gains or losses in connection with any of the BLMIS Accounts.

**Response No. 29:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents already in the possession of Plaintiff.

**Request No. 30:** All tax returns, including drafts thereof, prepared for You or any Family Member during the Applicable Period whether filed, unfiled, amended or in draft form, and all supporting or related documents, schedules, work papers, journal entries, trial balances, calculations, and notes.

**Response No. 30:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents protected by a privilege or expectation of privacy, including that of third-parties.

**Due Diligence**

**Request No. 31:** All documents and communications concerning any due diligence, whether performed or not, pertaining to any of Your or any Family Member's investments and/or investment decisions, including but not limited to such documents concerning BLMIS and/or Madoff, Your decision whether or not to perform any due diligence on BLMIS and/or Madoff, and/or Your decision whether or not to have any due diligence performed on Your behalf or on behalf of any Family Member with regard to any investment, including but not limited to the BLMIS Accounts.

**Response No. 31:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 32:** All documents and communications concerning whether BLMIS's operations were suspicious, unethical, fraudulent or a Ponzi scheme or whether You and/or the Accountants suspected or knew that BLMIS and/or Madoff were engaged in improper, unusual, illegal, fraudulent, unethical or any other questionable activity.

**Response No. 32:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, calls for a legal conclusion, and is not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 33:** All documents and communications concerning the purported returns on the BLMIS Accounts, including but not limited to the feasibility and consistency of returns or volatility of returns or any requests or attempts by You to adjust such returns.

**Response No. 33:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, calls for a legal conclusion, and is not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 34:** All documents and communications concerning any comparisons between the performance of any of the BLMIS Accounts and the performance of any other BLMIS Accounts or any other investments, such as any proprietary trading account with BLMIS or Your or any Family Member's investment accounts with Cohmad.

**Response No. 34:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not

reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 35:** All documents concerning Your receipt and/or review of account statements and/or trade confirmations for any of the BLMIS Accounts, and/or any such receipt and/or review undertaken on Your behalf.

**Response No. 35:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 36:** All communication between You and any government or regulatory agency or official concerning any of the BLMIS Accounts, BLMIS or Madoff, including but not limited to the United States Attorney's Office, the United States Securities and Exchange Commission or the Internal Revenue Service.

**Response No. 36:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, and not reasonably likely to lead to the discovery of admissible evidence. Notwithstanding these objections, Defendant will produce responsive, relevant documents in his possession.

#### **Transfers and Subsequent Transfers**

**Request No. 37:** Documents sufficient to identify the Transfers to You or any Family Member, including but not limited to the date of the Transfer, the amount of the Transfer, the account name and account number for the BLMIS Account from which the funds were transferred, the account name and account number for the account into which the funds were transferred, the method of the Transfer (wire, check, etc.), the identity of the sender and recipient of the Transfer, the ultimate and/or intended beneficiary of the Transfer, and the reason for the Transfer, including whether any Transfer was made to benefit another person.

**Response No. 37:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents relating to claims that have been dismissed.

**Request No. 38:** All documents concerning any actual, proposed, or contemplated requests for redemption or withdrawal by You or any Family Member or made on Your behalf or on behalf of any Family Member from any of the BLMIS Accounts, and the means and terms of payment.

**Response No. 38:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents already in Plaintiff's possession.

**Request No. 39:** **All documents concerning the reason for redemptions from BLMIS by You or any Family Member, including tax-related reasons.**

**Response No. 39:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 40:** **Documents sufficient to identify how You or any Family Member used, disbursed or further transferred any of the Transfers.**

**Response No. 40:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 41:** **Documents sufficient to identify each Subsequent Transfer made during the Applicable Period, including but not limited to the date of the Subsequent Transfer, the amount of the Subsequent Transfer, the account name and account number for the account from which the funds were transferred, the account name and account number for the account into which the funds were transferred, the method of the Subsequent Transfer (wire, check, etc.), the identity of the sender and recipient of the Subsequent Transfer, the ultimate and/or intended beneficiary of the Subsequent Transfer, and the reason for the Subsequent Transfer.**

**Response No. 41:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, calls for a legal conclusion, and seeks documents relating to claims that have been dismissed.

**Request No. 42:** **Documents sufficient to identify how You or any Family Member used, disbursed or further transferred funds from each Subsequent Transfer during the Applicable Period.**

**Response No. 42:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not

reasonably likely to lead to the discovery of admissible evidence, and seeks documents relating to claims that have been dismissed.

**Income, Assets, and Investments**

**Request No. 43:** All documents concerning Your review, control, and/or management of the BLMIS Accounts or any of Your or any Family Member's other investments, including but not limited to realized or unrealized gain and loss calculations, rate of return analyses, margin balance calculations, and any inconsistencies or irregularities regarding such investments.

**Response No. 43:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 44:** Documents sufficient to identify Your and/or Your wife's sources of income during the Applicable Period.

**Response No. 44:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 45:** Documents sufficient to identify all bank accounts or brokerage accounts held directly or indirectly by You or any Family Member into which any funds or other consideration were transferred directly or indirectly to or from BLMIS and/or Madoff, regardless of the institution in which the account is or was maintained, including but not limited to operating accounts, custodial accounts, retirement accounts, accounts held jointly by You and Your wife, and accounts maintained by You for any other purpose. Such accounts include, without limitation, the following accounts:

[Table Omitted]

For the avoidance of any doubt, this request shall include, but is not limited to, any and all monthly statements, account numbers, account holders, signatories, present and historical account balance information, incoming and outgoing wire transfer records, copies of checks deposited, copies of checks drawn, records reflecting cash activity, account opening documents, account management documents, account closing documents, account background documents, and documents reflecting communications concerning any of the above.

**Response No. 45:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 46:** Documents sufficient to identify Your and/or Your wife's interests during the Applicable Period, whether direct or indirect, in any real estate, including but not limited to cooperative apartments and/or investment vehicles through which any such real estate interest is held.

**Response No. 46:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence.

**Miscellaneous**

**Request No. 47:** All documents supporting, contradicting or concerning any of the allegations made in the Complaint.

**Response No. 47:** Defendant objects to this request on the grounds that it is vague, overly broad, and overly burdensome.

**Request No. 48:** All documents supporting or concerning any denial asserted in Your Answer to the Complaint.

**Response No. 48:** Subject to the General Objections, Defendant will produce responsive documents in his possession, custody and/or control to the extent they exist and have not already been produced. Defendant specifically reserves the right to supplement this response and production.

**Request No. 49:** All documents supporting or concerning any affirmative defenses, whether or not asserted, to the claims asserted in the Complaint.

**Response No. 49:** Subject to the General Objections, Defendant will produce responsive documents in his possession, custody and/or control to the extent they exist and have not already been produced. Defendant specifically reserves the right to supplement this response and production.

Dated: New York, New York  
November 23, 2016

**LAX & NEVILLE LLP**

/s/ **Barry R. Lax**

Barry R. Lax, Esq.

Robert R. Miller, Esq.

1450 Broadway, 35th Floor

New York, NY 10018

Tel: (212) 696-1999

*Attorneys for Defendant*

*Stanley Shapiro*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served this Twenty-  
Third day of November, 2016 by Federal Express and electronic mail upon the following:

Torello H. Calvani, Esq.  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111

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

**/s/ Robert R. Miller**  
Robert R. Miller, Esq.  
**LAX & NEVILLE LLP**

*Attorneys for Defendant  
Stanley Shapiro*



# **EXHIBIT G**

**LAX & NEVILLE LLP**

1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999  
Facsimile: (212) 566-4531

*Attorneys for Defendant David Shapiro*

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

-----X	
SECURITIES INVESTOR PROTECTION	:
CORPORATION,	:
	:
Plaintiff-Applicant,	:
	:
	:
v.	:
	:
BERNARD L. MADOFF INVESTMENT	:
SECURITIES LLC,	:
	:
Defendant.	:
-----X	
In re:	:
	:
BERNARD L. MADOFF,	:
	:
Debtor,	:
-----X	
IRVING H. PICARD, Trustee for the Liquidation	:
of Bernard L. Madoff Investment Securities LLC,	:
	:
Plaintiff,	:
	:
	:
v.	:
	:
STANLEY SHAPIRO, <i>et al.</i> ,	:
	:
Defendants.	:
-----X	

**DEFENDANT DAVID SHAPIRO'S RESPONSES TO  
TRUSTEE IRVING H. PICARD'S FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO DEFENDANT DAVID SHAPIRO**

Defendant, David Shapiro (“David Shapiro” and/or “Defendant”), by and through his attorneys, Lax & Neville LLP, hereby submits to Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (“Trustee” and/or “Plaintiff”), the following responses and objections to Trustee Irving H. Picard’s First Set of Requests for Production of Documents to Defendant David Shapiro. Defendant reserves the right to supplement these responses and his production prior to trial. Reference to “responsive, relevant documents” refers only to those documents in Defendant’s possession.

### **GENERAL OBJECTIONS**

Each of the responses below is made subject to and without waiving the following general objections and explanatory statement:

1. The foregoing Responses and Objections are based upon the facts, documents and information presently known and available to Defendant. Discovery, investigation, and analysis are ongoing and may disclose the existence of additional facts, add meaning to known facts, and establish entirely new factual conclusions or legal contentions, or possibly lead to additions, variations or changes to these Responses.

2. The agreement by Defendant to produce a document or category of documents is not a representation that such document or category of documents exists or is in Defendant’s possession, custody and/or control.

3. Defendant objects to each Request to the extent that it seeks information and/or documents protected from disclosure based on the attorney-client privilege, the attorney work product doctrine or any other applicable privilege or substantive right, such as the right of privacy.

4. Defendant objects to each Request to the extent it seeks documents that are not within his possession, custody and/or control.

5. Defendant objects to each Request to the extent it seeks documents from an “Applicable Period” beyond the time period relevant to the claim or defense at issue.

6. Defendant’s production of any document shall not be construed as a waiver of any objection Defendant might later assert to Plaintiff’s proposed introduction of such document into evidence.

7. Defendant’s Responses and Objections to the individual Requests shall be deemed to incorporate, and shall not be deemed a waiver of, these General Objections.

8. Defendant objects to Requests seeking “all” documents or “every” document to the extent that such requests require Defendant to do more than use reasonable diligence to locate responsive and non-privileged documents based on an examination of those files that may reasonably be expected to yield such documents. Such requests are overly broad, unduly burdensome, and oppressive.

### **RESPONSES TO DOCUMENT REQUESTS**

#### **BLMIS-Related Documents**

**Request No. 1:** All documents concerning the opening of any of the BLMIS Accounts.

**Response No. 1:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant, non-privileged documents in his possession that have not yet been produced.

**Request No. 2:** All account statements concerning any of the BLMIS Accounts, including all original, draft, returned, altered, revised, amended or destroyed accounts statements.

**Response No. 2:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that have already been produced, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant documents in his possession that have not yet been produced.

**Request No. 3:** **All agreements with BLMIS, including Customer Agreements, Option Agreements, Trading Authorizations Limited to Purchases and Sales of Securities and Options, or any other documents executed between You or any of the Family Members, on the one hand, and BLMIS, on the other hand.**

**Response No. 3:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that have already been produced, seems documents that have already been produced, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant documents in his possession that have not yet been produced.

**Request No. 4:** **All other documents You or any Family Member received from BLMIS concerning any of the BLMIS Accounts.**

**Response No. 4:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that have already been produced, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant documents in his possession that have not yet been produced.

**Request No. 5:** **All documents concerning the circumstances under which You or any Family Member began or continued to invest with BLMIS, including but not limited to documents concerning Your or any Family Member's decision to invest or to remain invested with BLMIS.**

**Response No. 5:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 6:** **All documents and communications between You and any Family Member concerning BLMIS or any of the BLMIS Accounts, including but not limited to the Portfolio Account, the Split-Strike Account or the Children's Trust Account.**

**Response No. 6:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents relating to claims and parties that have been dismissed, and seeks documents that are privileged.

**Request No. 7:** **All documents and communications between You or any Family Member, on the one hand, and either Madoff, Annette Bongiorno or any other BLMIS employee, on the other hand, regarding any of the BLMIS Accounts, including but not limited to notes, faxes, letters, calendar entries, emails or telephone records.**

**Response No. 7:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 8:** **All notes, whether made by You, any Family Member, Madoff, Annette Bongiorno or any other employee of BLMIS, concerning any of the BLMIS Accounts.**

**Response No. 8:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 9:** **All documents concerning any purported investment strategy of either BLMIS or Madoff or financial advice provided by either BLMIS or Madoff to You or any Family Member.**

**Response No. 9:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 10:** **All documents concerning the source of funds provided to BLMIS to purportedly invest in any of the BLMIS Accounts, including, but not limited to, the Portfolio Account, the Split-Strike Account or the Children's Trust Account. For the avoidance of any doubt, such documents shall include, but are not limited to, bank statements, account ledgers, cancelled checks or correspondence.**

**Response No. 10:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents relating to claims and parties that have been dismissed, and seeks documents that are privileged.

**Request No. 11:** All documents concerning any purported realized or unrealized gains, losses, or returns in connection with any of the BLMIS Accounts, including but not limited to any schedules of realized and/or unrealized gains and losses or other analyses performed by Stanley Shapiro, You or any Accountant concerning any of the BLMIS Accounts.

**Response No. 11:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents already in the possession of Plaintiff.

**Request No. 12:** All documents concerning any reported margin balance in any of the BLMIS Accounts.

**Response No. 12:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, irrelevant, and outside the relevant time period and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce all responsive, relevant, and non-privileged documents in his possession.

**Request No. 13:** All documents concerning any backdated or cancelled trade or any request to backdate or cancel any trade in any of the BLMIS Accounts, including but not limited to any account statement reflecting any backdated trade and/or any substitute or replacement account statement provided by BLMIS and/or Madoff to You, any Family Member, or any Accountant.

**Response No. 13:** Defendant objects to this request on the grounds that it is overly broad, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents already in the possession of Plaintiff. Defendant further objects to this request on the ground that it calls for a legal conclusion. Notwithstanding these objections, Defendant will produce any and all account statements in his possession (See: Response No. 2).

**Request No. 14:** All documents concerning the destruction, the return to BLMIS or other disposition of any documents concerning any of the BLMIS Accounts, including but not limited to any account statements.

**Response No. 14:** Defendant objects to this request on the grounds that it is vague, overly broad, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendant will produce any and all account statements in his possession (See: Response No. 2).

**Trust-Related Documents and Gifts**

**Request No. 15:** All documents and communications concerning the formation of the LAD Trust, the David Shapiro 1989 Trust or the Trust f/b/o David Shapiro's Children.

**Response No. 15:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 16:** All documents and communications concerning amending or restating the LAD Trust, the David Shapiro 1989 Trust or the Trust f/b/o David Shapiro's Children.

**Response No. 16:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 17:** All documents concerning any other entity or trust owned, managed, or controlled, either directly or indirectly, during the Applicable Period, by You or any Family Members (including but not limited to S&R Investment Company), including but not limited to any and all communications between or among You, any Family Members, or others regarding such entities and/or trusts, and including but not limited to communications sent or received by You on behalf of such entities or trusts.

**Response No. 17:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 18:** All documents concerning any gifts or the transfer of any funds to the LAD Trust, the David Shapiro 1989 Trust or the Trust f/b/o David Shapiro's Children, or any of the trustees thereof, during the Applicable Period. For the avoidance of any doubt, such documents shall include, but are not limited to, bank statements, account ledgers, cancelled checks or correspondence.

**Response No. 18:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not



reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 19:** Documents sufficient to show all monetary gifts that either or both of Your parents gave You, Your wife or both of You during the Applicable Period. For the avoidance of any doubt, such documents shall include, but are not limited to, bank statements, account ledgers, cancelled checks or correspondence.

**Response No. 19:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents relating to claims that have been dismissed.

**Request No. 20:** Documents sufficient to show all monetary gifts that You, Your wife or either or both of Your parents gave to any of Your children during the Applicable Period. For the avoidance of any doubt, such documents shall include, but are not limited to, bank statements, account ledgers, cancelled checks or correspondence.

**Response No. 20:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 21:** All documents relating to any custodial bank account held for the benefit of any of Your children, including, but not limited, to JPMorgan Chase Bank, N.A. Account No. 2735265774.

**Response No. 21:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents relating to claims and parties that have been dismissed.

**Accounting-Related and Tax-Related Documents**

**Request No. 22:** The retention agreement or engagement letter of any Accountant engaged by You or any Family Member to perform any type of services concerning any of the BLMIS Accounts.

**Response No. 22:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents that are privileged.

**Request No. 23:** All documents provided to You or any Family Member by any Accountant engaged by You or any Family Member to perform any type of services concerning any of the BLMIS Accounts, including but not limited to schedules of realized or unrealized gains and losses or any other type of analysis.

**Response No. 23:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents that are privileged.

**Request No. 24:** All documents You or any Family Member provided to any Accountant engaged by You or any Family Member to perform accounting services concerning any of the BLMIS Accounts.

**Response No. 24:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents that are privileged.

**Request No. 25:** All documents provided to You or any Family Member concerning any income, gain, loss, any other benefit, and/or return purportedly realized, earned or otherwise obtained by You or any Family Member in connection with direct and/or indirect investments with BLMIS, including but not limited to the BLMIS Accounts.

**Response No. 25:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 26:** All communications between or among You, any Family Member, Paul Konigsberg, any other Accountant, any employee of BLMIS and/or Madoff concerning any tax issue or other matter relating to any of the BLMIS Accounts, including but not limited to the realization or generation of gains or losses in connection with any of the BLMIS Accounts.

**Response No. 26:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 27:** All tax returns, including drafts thereof, prepared for You or any Family Member during the Applicable Period whether filed, unfiled, amended or in draft form, and all supporting or related documents, schedules, work papers, journal entries, trial balances, calculations, and notes.

**Response No. 27:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents protected by a privilege or expectation of privacy, including that of third-parties.

**Due Diligence**

**Request No. 28:** All documents and communications concerning any due diligence, whether performed or not, pertaining to any of Your or any Family Member's investments and/or investment decisions, including but not limited to such documents concerning BLMIS and/or Madoff, Your decision whether or not to perform any due diligence on BLMIS and/or Madoff, and/or Your decision whether or not to have any due diligence performed on Your behalf or on behalf of any Family Member with regard to any investment, including but not limited to the BLMIS Accounts.

**Response No. 28:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 29:** All documents and communications concerning whether BLMIS's operations were suspicious, unethical, fraudulent or a Ponzi scheme or whether You and/or the Accountants suspected or knew that BLMIS and/or Madoff were engaged in improper, unusual, illegal, fraudulent, unethical or any other questionable activity.

**Response No. 29:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 30:** All documents and communications concerning the purported returns on the BLMIS Accounts, including but not limited to the feasibility and consistency of returns or volatility of returns or any requests or attempts by You to adjust such returns.

**Response No. 30:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 31:** All documents and communications concerning any comparisons between the performance of any of the BLMIS Accounts and the performance of any other BLMIS Accounts or any other investments.

**Response No. 31:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 32:** All documents concerning Your receipt and/or review of account statements and/or trade confirmations for any of the BLMIS Accounts, and/or any such receipt and/or review undertaken on Your behalf.

**Response No. 32:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 33:** All communication between You and any government or regulatory agency or official concerning any of the BLMIS Accounts, BLMIS or Madoff, including but not limited to the United States Attorney's Office, the United States Attorney General's Office, the United States Securities and Exchange Commission or the Internal Revenue Service.

**Response No. 33:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant and not reasonably likely to lead to the discovery of admissible evidence.

#### **Transfers and Subsequent Transfers**

**Request No. 34:** Documents sufficient to identify the Transfers to You or Your wife, including but not limited to the date of the Transfer, the amount of the Transfer, the account name and account number for the BLMIS Account from which the funds were transferred, the account name and account number for the account into which the funds were transferred, the method of the Transfer (wire, check, etc.), the identity of the sender and recipient of the Transfer, the ultimate and/or intended beneficiary of the Transfer, and the reason for the Transfer, including whether any Transfer was made to benefit another person.

**Response No. 34:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 35:** All documents reflecting any actual, proposed, or contemplated requests for redemption or withdrawal by You or any Family Member or made on Your behalf or on behalf of any Family Member from any of the BLMIS Accounts, and the means and terms of payment.

**Response No. 35:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 36:** All documents concerning the reason for redemptions from BLMIS by You or any Family Member, including tax-related reasons.

**Response No. 36:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 37:** Documents sufficient to identify how You or any Family Member used, disbursed or further transferred any of the Transfers.

**Response No. 37:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 38:** Documents sufficient to identify each Subsequent Transfer made during the Applicable Period, including but not limited to the date of the Subsequent Transfer, the amount of the Subsequent Transfer, the account name and account number for the account from which the funds were transferred, the account name and account number for the account into which the funds were transferred, the method of the Subsequent Transfer (wire, check, etc.), the identity of the sender and recipient of the Subsequent Transfer, the ultimate and/or intended beneficiary of the Subsequent Transfer, and the reason for the Subsequent Transfer.

**Response No. 38:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 39:** Documents sufficient to identify how You or any Family Member used, disbursed or further transferred funds from each Subsequent Transfer during the Applicable Period.

**Response No. 39:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Income, Assets, and Investments**

**Request No. 40:** Any and all documents concerning Your or Your father's review, control, and/or management of the BLMIS Accounts, including, but not limited to, realized or unrealized gain and loss calculations, rate of return analyses, margin balance calculations, and any inconsistencies or irregularities regarding such investments.

**Response No. 40:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 41:** Any and all documents concerning any of Your or Your wife's sources of income during the Applicable Period.

**Response No. 41:** Defendant objects to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 42:** Any and all documents concerning bank accounts or brokerage accounts held directly or indirectly by You or any Family Member into which any funds or other consideration were transferred directly or indirectly to or from BLMIS and/or Madoff for Your benefit, regardless of the institution in which the account is or was maintained, including, but not limited to, operating accounts, custodial accounts, retirement accounts, accounts held jointly by You and any Family Member, and accounts maintained by You for any other purpose. Such accounts include, without limitation, the Account No. 967582407 or Account No. 2735265774 at JPMorgan Chase Bank, N.A., held by David Shapiro, individually or as a custodian. For the avoidance of any doubt, this request shall include any and all monthly statements, account numbers, account holders, signatories, present and historical account balance information, incoming and outgoing wire transfer records, copies of checks deposited, copies of checks drawn, records reflecting cash activity, account opening documents, account management documents, account closing documents, account

**background documents, and documents reflecting communications concerning any of the above.**

**Response No. 42:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 43:** **Documents sufficient to show Your interest(s), whether direct or indirect, in any real estate, including, but not limited to, cooperative apartments and/or investment vehicles through which any such real estate interest is held.**

**Response No. 43:** Defendant objects to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 44:** **Any and all documents supporting or concerning any denial asserted in Your Answer to the Complaint.**

**Response No. 44:** Subject to the General Objections, Defendant will produce responsive documents in his possession, custody and/or control to the extent they exist and have not already been produced. Defendant specifically reserves the right to supplement this response and production.

**Request No. 45:** **Any and all documents supporting or concerning any affirmative defenses, whether or not asserted, to the claims asserted in the Complaint.**

**Response No. 45:** Subject to the General Objections, Defendant will produce responsive documents in his possession, custody and/or control to the extent they exist and have not already been produced. Defendant specifically reserves the right to supplement this response and production.

Dated: New York, New York  
November 23, 2016

**LAX & NEVILLE LLP**

/s/ **Barry R. Lax**

Barry R. Lax, Esq.

Robert R. Miller, Esq.

1450 Broadway, 35th Floor

New York, NY 10018

Tel: (212) 696-1999

*Attorneys for Defendant*

*David Shapiro*



**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served this Twenty-  
Third day of November, 2016 by Federal Express and electronic mail upon the following:

Torello H. Calvani, Esq.  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111

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

**/s/ Robert R. Miller**  
Robert R. Miller, Esq.  
**LAX & NEVILLE LLP**

*Attorneys for Defendant  
David Shapiro*

# **EXHIBIT H**

**LAX & NEVILLE LLP**

1450 Broadway, 35<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 696-1999  
Facsimile: (212) 566-4531

*Attorneys for Defendants*

*Kenneth Citron and Leslie Shapiro Citron*

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

-----X	
SECURITIES INVESTOR PROTECTION	:
CORPORATION,	:
	:
	: Adv. Pro. No. 08-01789 (BRL)
Plaintiff-Applicant,	:
	: SIPA LIQUIDATION
v.	:
	: (Substantively Consolidated)
BERNARD L. MADOFF INVESTMENT	:
SECURITIES LLC,	:
	:
Defendant.	:
-----X	
In re:	:
	:
BERNARD L. MADOFF,	:
	:
Debtor,	:
-----X	
IRVING H. PICARD, Trustee for the Liquidation	:
of Bernard L. Madoff Investment Securities LLC,	:
	: Adv. Pro. No. 10-05383 (BRL)
Plaintiff,	:
	:
v.	:
	:
STANLEY SHAPIRO, <i>et al.</i> ,	:
	:
Defendants.	:
-----X	

**DEFENDANTS KENNETH CITRON AND LESLIE SHAPIRO CITRON'S RESPONSES  
TO TRUSTEE IRVING H. PICARD'S FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO  
DEFENDANTS KENNETH CITRON AND LESLIE SHAPIRO CITRON**

Defendants, Kenneth Citron and Leslie Shapiro Citron (the “Citrons” and/or “Defendants”), by and through their attorneys, Lax & Neville LLP, hereby submit to Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (“Trustee” and/or “Plaintiff”), the following responses and objections to Trustee Irving H. Picard’s First Set of Requests for Production of Documents to Defendants Kenneth Citron and Leslie Shapiro Citron. Defendants reserve the right to supplement these responses prior to the hearing of this matter. Reference to “responsive, relevant documents” refers only to those documents in Defendants’ possession, custody and/or control.

### **GENERAL OBJECTIONS**

Each of the responses below is made subject to and without waiving the following general objections and explanatory statement:

1. The foregoing Responses and Objections are based upon the facts, documents and information presently known and available to Defendants. Discovery, investigation, and analysis are ongoing and may disclose the existence of additional facts, add meaning to known facts, and establish entirely new factual conclusions or legal contentions, or possibly lead to additions, variations or changes to these Responses.

2. The agreement by Defendants to produce a document or category of documents is not a representation that such document or category of documents exists or is in Defendants’ possession, custody and/or control.

3. Defendants object to each Item to the extent that it seeks information and/or documents protected from disclosure based on the attorney-client privilege, the attorney work product doctrine or any other applicable privilege or substantive right, such as the right of privacy.

4. Defendants object to each Request to the extent it seeks documents that are not within their possession, custody and/or control.

5. Defendants object to each Request to the extent it seeks documents from an “Applicable Period” beyond the time period relevant to the claim or defense at issue.

6. Defendants object to each Request to the extent it seeks documents relating to claims against them that have been dismissed.

7. Defendants’ production of any document shall not be construed as a waiver of any objection Defendants might later assert to Plaintiff’s proposed introduction of such document into evidence.

8. Defendants’ Responses and Objections to the individual requests shall be deemed to incorporate, and shall not be deemed a waiver of, these General Objections.

9. Defendants object to Items seeking “all” documents or “every” document to the extent that such requests require Defendants to do more than use reasonable diligence to locate responsive and non-privileged documents based on an examination of those files that may reasonably be expected to yield such documents. Such requests are overly broad, unduly burdensome, and oppressive.

### **RESPONSES TO DOCUMENT REQUESTS**

#### **BLMIS-Related Documents**

**Request No. 1:** All documents concerning the opening of any of the BLMIS Accounts.

**Response No. 1:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, already in Plaintiff’s possession, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that have already been produced, and seeks documents that are privileged.

**Request No. 2:** All account statements concerning any of the BLMIS Accounts, including all original, draft, returned, altered, revised, amended or destroyed accounts statements.

**Response No. 2:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and already in Plaintiff's possession and seeks documents that have already been produced. Notwithstanding these objections, Defendants will produce all responsive documents that have not already been produced.

**Request No. 3:** All agreements with BLMIS, including Customer Agreements, Option Agreements, Trading Authorizations Limited to Purchases and Sales of Securities and Options, or any other documents executed between You or any of the Family Members, on the one hand, and BLMIS, on the other hand.

**Response No. 3:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and already in Plaintiff's possession and seeks documents that have already been produced. Notwithstanding these objections, Defendants will produce all relevant, responsive documents that have not already been produced.

**Request No. 4:** All other documents You or any Family Member received from BLMIS concerning any of the BLMIS Accounts.

**Response No. 4:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendants will produce responsive documents in their possession.

**Request No. 5:** All documents concerning the circumstances under which You or any Family Member began or continued to invest with BLMIS, including but not limited to documents concerning Your or any Family Member's decision to invest or to remain invested with BLMIS.

**Response No. 5:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, and already in Plaintiff's possession and seeks documents that are privileged.

**Request No. 6:** All documents and communications between You and any Family Member concerning BLMIS or any of the BLMIS Accounts, including but not limited to the Portfolio Account, the Split-Strike Account or the Children's Trust Account.

**Response No. 6:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 7:** All documents and communications between You or any Family Member, on the one hand, and either Madoff, Annette Bongiorno or any other BLMIS employee, on the other hand, regarding any of the BLMIS Accounts, including but not limited to notes, faxes, letters, calendar entries, emails or telephone records.

**Response No. 7:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents already in Plaintiffs' possession.

**Request No. 8:** All notes, whether made by You, any Family Member, Madoff, Annette Bongiorno or any other employee of BLMIS, concerning any of the BLMIS Accounts.

**Response No. 8:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 9:** All documents concerning any purported investment strategy of either BLMIS or Madoff or financial advice provided by either BLMIS or Madoff to You or any Family Member.

**Response No. 9:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 10:** All documents concerning the source of funds provided to BLMIS to purportedly invest in any of the BLMIS Accounts, including, but not limited to, the Portfolio Account, the Split-Strike Account or the Children's Trust Account. For the avoidance of any doubt, such documents shall include, but are not limited to, bank statements, account ledgers, cancelled checks or correspondence.

**Response No. 10:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 11:** All documents concerning any purported realized or unrealized gains, losses, or returns in connection with any of the BLMIS Accounts, including but not limited to any schedules of realized and/or unrealized gains and losses or other analyses performed by Stanley Shapiro, You or any Accountant concerning any of the BLMIS Accounts.

**Response No. 11:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, irrelevant, outside the relevant time period, seeks documents that are privileged, and seeks documents already in the possession of Plaintiff.

**Request No. 12:** All documents concerning any reported margin balance in any of the BLMIS Accounts.

**Response No. 12:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, not reasonably likely to lead to the discovery of admissible evidence, irrelevant, outside the relevant time period, seeks documents that are privileged, and seeks documents already in the possession of Plaintiff. Notwithstanding these objections, Defendants will produce all responsive, relevant, and non-privileged documents in their possession.

**Request No. 13:** All documents concerning any backdated or cancelled trade or any request to backdate or cancel any trade in any of the BLMIS Accounts, including but not limited to any account statement reflecting any backdated trade and/or any substitute or replacement account statement provided by BLMIS and/or Madoff to You, any Family Member, or any Accountant.

**Response No. 13:** Defendants object to this request on the grounds that it is overly broad, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents already in the possession of Plaintiff. Defendants further object to this request on the ground that it calls for a legal conclusion. Notwithstanding these objections, Defendants will produce any and all account statements in their possession (See: Response No. 2).

**Request No. 14:** All documents concerning the destruction, the return to BLMIS or other disposition of any documents concerning any of the BLMIS Accounts, including but not limited to any account statements.

**Response No. 14:** Defendants object to this request on the grounds that it is overly broad, not reasonably likely to lead to the discovery of admissible evidence, and seeks documents already in the possession of Plaintiff. Notwithstanding



these objections, Defendants will produce any and all account statements in their possession (See: Response No. 2).

**Trust-Related Documents and Gifts**

**Request No. 15:** All documents and communications concerning the formation of the LAD Trust, the Leslie Shapiro 1985 Trust or the Trust f/b/o Leslie Shapiro Citron's Children.

**Response No. 15:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 16:** All documents and communications concerning amending or restating the LAD Trust, the Leslie Shapiro 1985 Trust or the Trust f/b/o Leslie Shapiro Citron's Children.

**Response No. 16:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 17:** All documents concerning any other entity or trust owned, managed, or controlled, either directly or indirectly, during the Applicable Period, by You or any Family Members (including but not limited to S&R Investment Company), including but not limited to any and all communications between or among You, any Family Members, or others regarding such entities and/or trusts, and including but not limited to communications sent or received by You on behalf of such entities or trusts.

**Response No. 17:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 18:** All documents concerning any gifts or the transfer of any funds to the LAD Trust, the Leslie Shapiro 1985 Trust or the Trust f/b/o Leslie Shapiro Citron's Children, or any of the trustees thereof, during the Applicable Period. For the avoidance of any doubt, such documents shall include, but are not limited to, bank statements, account ledgers, cancelled checks or correspondence.

**Response No. 18:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents that are privileged, and seeks documents relating to claims and parties that have been dismissed.

**Request No. 19:** Documents sufficient to show all monetary gifts that either or both of Your parents gave You during the Applicable Period. For the avoidance of any doubt, such documents shall include, but are not limited to, bank statements, account ledgers, cancelled checks or correspondence.

**Response No. 19:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 20:** Documents sufficient to show all monetary gifts that You or either of Your parents gave to any of Your children during the Applicable Period. For the avoidance of any doubt, such documents shall include, but are not limited to, bank statements, account ledgers, cancelled checks or correspondence.

**Response No. 20:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims and parties that have been dismissed.

**Request No. 21:** All documents relating to any custodial bank accounts held for the benefit of any of Your children, including, but not limited, to JPMorgan Chase Bank, N.A. Account Nos. 790007886465, 790008103565, 790008103570, 790607989901, and 790610135501.

**Response No. 21:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims and parties that have been dismissed.

**Accounting-Related and Tax-Related Documents**

**Request No. 22:** The retention agreement or engagement letter of any Accountant engaged by You or any Family Member to perform any type of services concerning any of the BLMIS Accounts.

**Response No. 22:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not

reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 23:** All documents provided to You or any Family Member by any Accountant engaged by You or any Family Member to perform any type of services concerning any of the BLMIS Accounts, including but not limited to schedules of realized or unrealized gains and losses or any other type of analysis.

**Response No. 23:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 24:** All documents You or any Family Member provided to any Accountant engaged by You or any Family Member to perform accounting services concerning any of the BLMIS Accounts.

**Response No. 24:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents that are privileged.

**Request No. 25:** All documents provided to You or any Family Member concerning any income, gain, loss, any other benefit, and/or return purportedly realized, earned or otherwise obtained by You or any Family Member in connection with direct and/or indirect investments with BLMIS, including but not limited to the BLMIS Accounts.

**Response No. 25:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 26:** All communications between or among You, any Family Member, Paul Konigsberg, any other Accountant, any employee of BLMIS and/or Madoff concerning any tax issue or other matter relating to any of the BLMIS Accounts, including but not limited to the realization or generation of gains or losses in connection with any of the BLMIS Accounts.

**Response No. 26:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 27:** All tax returns, including drafts thereof, prepared for You or any Family Member during the Applicable Period whether filed, unfilled,

**amended or in draft form, and all supporting or related documents, schedules, work papers, journal entries, trial balances, calculations, and notes.**

**Response No. 27:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents protected by a privilege or expectation of privacy, including that of third-parties..

**Due Diligence**

**Request No. 28:** All documents and communications concerning any due diligence, whether performed or not, pertaining to any of Your or any Family Member's investments and/or investment decisions, including but not limited to such documents concerning BLMIS and/or Madoff, Your decision whether or not to perform any due diligence on BLMIS and/or Madoff, and/or Your decision whether or not to have any due diligence performed on Your behalf or on behalf of any Family Member with regard to any investment, including but not limited to the BLMIS Accounts.

**Response No. 28:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence, and seeks documents relating to claims that have been dismissed.

**Request No. 29:** All documents and communications concerning whether BLMIS's operations were suspicious, unethical, fraudulent or a Ponzi scheme or whether You and/or the Accountants suspected or knew that BLMIS and/or Madoff were engaged in improper, unusual, illegal, fraudulent, unethical or any other questionable activity.

**Response No. 29:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 30:** All documents and communications concerning the purported returns on the BLMIS Accounts, including but not limited to the feasibility and consistency of returns or volatility of returns or any requests or attempts by You to adjust such returns.

**Response No. 30:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and

not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 31:** All documents and communications concerning any comparisons between the performance of any of the BLMIS Accounts and the performance of any other BLMIS Accounts or any other investments.

**Response No. 31:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 32:** All documents concerning Your receipt and/or review of account statements and/or trade confirmations for any of the BLMIS Accounts, and/or any such receipt and/or review undertaken on Your behalf.

**Response No. 32:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence, seeks documents relating to claims that have been dismissed, and seeks documents that are privileged.

**Request No. 33:** All communication between You and any government or regulatory agency or official concerning any of the BLMIS Accounts, BLMIS or Madoff, including but not limited to the United States Attorney's Office, the United States Attorney General's Office, the United States Securities and Exchange Commission or the Internal Revenue Service.

**Response No. 33:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Transfers and Subsequent Transfers**

**Request No. 34:** Documents sufficient to identify the Transfers to You or Your wife, including but not limited to the date of the Transfer, the amount of the Transfer, the account name and account number for the BLMIS Account from which the funds were transferred, the account name and account number for the account into which the funds were transferred, the method of the Transfer (wire, check, etc.), the identity of the sender and recipient of the Transfer, the ultimate and/or intended beneficiary of the Transfer, and the reason for the Transfer, including whether any Transfer was made to benefit another person.

**Response No. 34:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents already in Plaintiff's possession, and seeks documents relating to claims that have been dismissed.

**Request No. 35:** **All documents reflecting any actual, proposed, or contemplated requests for redemption or withdrawal by You or any Family Member or made on Your behalf or on behalf of any Family Member from any of the BLMIS Accounts, and the means and terms of payment.**

**Response No. 35:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, not reasonably likely to lead to the discovery of admissible evidence, seeks documents already in Plaintiff's possession, and seeks documents relating to claims that have been dismissed.

**Request No. 36:** **All documents concerning the reason for redemptions from BLMIS by You or any Family Member, including tax-related reasons.**

**Response No. 36:** Defendants object to this request on the grounds that it is vague overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 37:** **Documents sufficient to identify how You or any Family Member used, disbursed or further transferred any of the Transfers.**

**Response No. 37:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 38:** **Documents sufficient to identify each Subsequent Transfer made during the Applicable Period, including but not limited to the date of the Subsequent Transfer, the amount of the Subsequent Transfer, the account name and account number for the account from which the funds were transferred, the account name and account number for the account into which the funds were transferred, the method of the Subsequent Transfer (wire, check, etc.), the identity of the sender and recipient of the Subsequent Transfer, the ultimate and/or intended beneficiary of the Subsequent Transfer, and the reason for the Subsequent Transfer.**

**Response No. 38:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 39:** Documents sufficient to identify how You or any Family Member used, disbursed or further transferred funds from each Subsequent Transfer during the Applicable Period.

**Response No. 39:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Income, Assets, and Investments**

**Request No. 40:** Any and all documents concerning Your or any Family Member's review, control, and/or management of the BLMIS Accounts, including, but not limited to, realized or unrealized gain and loss calculations, rate of return analyses, margin balance calculations, and any inconsistencies or irregularities regarding such investments.

**Response No. 40:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 41:** Any and all documents concerning any of Your sources of income during the Applicable Period.

**Response No. 41:** Defendants object to this request on the grounds that it is vague, overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 42:** Any and all documents concerning bank accounts or brokerage accounts held directly or indirectly by You or any Family Member into which any funds or other consideration were transferred directly or indirectly to or from BLMIS and/or Madoff for Your benefit, regardless of the institution in which the account is or was maintained, including, but not limited to, operating accounts, custodial accounts, retirement accounts, accounts held jointly by You and any Family Member, and accounts maintained by You for any other purpose. Such accounts include, without limitation, the Account Nos. 790007886465, 790008103565, 790008103570, 790607989901, or 790610135501 at JPMorgan Chase Bank, N.A., held by Leslie Shapiro Citron, individually or as a custodian. For the avoidance of any doubt,

**this request shall include any and all monthly statements, account numbers, account holders, signatories, present and historical account balance information, incoming and outgoing wire transfer records, copies of checks deposited, copies of checks drawn, records reflecting cash activity, account opening documents, account management documents, account closing documents, account background documents, and documents reflecting communications concerning any of the above.**

**Response No. 42:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence and seeks documents relating to claims that have been dismissed.

**Request No. 43:** **Documents sufficient to show Your interest(s), whether direct or indirect, in any real estate, including, but not limited to, cooperative apartments and/or investment vehicles through which any such real estate interest is held.**

**Response No. 43:** Defendants object to this request on the grounds that it is overly broad, overly burdensome, irrelevant, outside the relevant time period, and not reasonably likely to lead to the discovery of admissible evidence.

**Request No. 44:** **Any and all documents supporting or concerning any denial asserted in Your Answer to the Complaint.**

**Response No. 44:** Subject to the General Objections, Defendants will produce responsive documents in their possession, custody and/or control to the extent they exist and have not already been produced. Defendants specifically reserve the right to supplement this response and production.

**Request No. 45:** **Any and all documents supporting or concerning any affirmative defenses, whether or not asserted, to the claims asserted in the Complaint.**

**Response No. 45:** Subject to the General Objections, Defendants will produce responsive documents in their possession, custody and/or control to the extent they exist and have not already been produced. Defendants specifically reserve the right to supplement this response and production.



Dated: New York, New York  
November 23, 2016

**LAX & NEVILLE LLP**

/s/ **Barry R. Lax**

Barry R. Lax, Esq.

Robert R. Miller, Esq.

1450 Broadway, 35th Floor

New York, NY 10018

Tel: (212) 696-1999

*Attorneys for Defendants*

*Kenneth Citron and Leslie Shapiro Citron*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served this Twenty-  
Third day of November, 2016 by Federal Express and electronic mail upon the following:

Torello H. Calvani, Esq.  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111

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

**/s/ Robert R. Miller**  
Robert R. Miller, Esq.  
**LAX & NEVILLE LLP**

*Attorneys for Defendants  
Kenneth Citron and Leslie Shapiro Citron*