11-02760-smb Doc 81-19 Filed 03/27/17 Entered 03/27/17 10:26:46 Exhibit 16 Pg 1 of 8

# Exhibit 16

## 11-027602asmb:120orc-800-195-J51ed 03/27/112/nt 3Entered 03/28//17/120:216a46e 1 Exklabit 16 Pg 2 of 8

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK	
SECURITIES INVESTOR PROTECTION CORPORATION,	
Plaintiff,	: : 12-misc-00115 (JSR)
V.	:
BERNARD L. MADOFF INVESTMENT SECURITIES LLC,	
Defendant.	
In re: MADOFF SECURITIES	
PERTAINS TO THE CASES LISTED ON <u>EXHIBIT A</u> :	

## JOINDER TO THE TRUSTEE'S MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS <u>CONCERNING EXTRATERRITORIALITY</u>

Young Conaway Stargatt and Taylor, LLP ("<u>Young Conaway</u>") is counsel to Irving H. Picard (the "<u>Trustee</u>"), as trustee for the substantively consolidated liquidation proceeding (the "<u>BLMIS Liquidation</u>") of Bernard L. Madoff Investment Securities, LLC ("<u>BLMIS</u>") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.* ("<u>SIPA</u>"), and the estates of Bernard L. Madoff ("<u>Madoff</u>," and together with BLMIS, each a "<u>Debtor</u>" and collectively, the "<u>Debtors</u>") in the United States Bankruptcy Court for the Southern District of New York (the "<u>Bankruptcy Court</u>"), and is counsel of record for the Trustee in the adversary proceedings identified on <u>Exhibit A</u> annexed hereto (collectively, the "<u>YCST Adversaries</u>").

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In each of the YCST Adversaries, certain defendants filed motions to withdraw the reference to the United States Bankruptcy Court for the Southern District of New York (the "<u>Motions to Withdraw the Reference</u>").

By Order of this Court dated June 6, 2012 (the "<u>Extraterritoriality Order</u>"), the YCST Adversaries were consolidated with certain other adversary proceedings pending in the BLMIS Liquidation for the limited purpose of addressing the Extraterritoriality Issue (as defined in the Extraterritoriality Order).

In the above noted capacity, Young Conaway, on behalf of the Trustee, hereby joins, in its entirety, the *Trustee's Memorandum of Law in Opposition to Defendants' Motion to Dismiss Concerning Extraterritoriality as Ordered by the Court On June 6, 2012*, District Court Case No. 12 Misc. 00115 (JSR) [Docket No. 310] filed by Baker & Hostetler LLP on August 17, 2012 pursuant to the Extraterritoriality Order, and adopts as its own all arguments asserted therein.

Dated: August 17, 2012 New York, New York /s/ Matthew B. Lunn Matthew B. Lunn Justin P. Duda YOUNG CONAWAY STARGATT & TAYLOR, LLP 1270 Avenue of the Americas Suite 2210 New York, New York 10020 Telephone: (212) 332-8840 Facsimile: (212) 332-8855

Attorneys for Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff 11-02760 ssmb12-Droc (811-19-JSFRedD03/277/47/t 31EnteredFi03/278/177/102269:46 ge 1Exhibit 16 Pg 4 of 8

## EXHIBIT A

**YCST** Adversaries

## 11-02760/ssmb12-0700c (811-19-JSFRed 203/277/4/7t 3 Entered i 03/278/177/102269:46ge Æxhibit 16 Pg 5 of 8

Adversary Proceeding	Adversary Proceeding Number	District Court Number
Picard v. Caceis Bank Luxembourg, <i>et al.</i>	11-02758	12-cv-02434
Picard v. Crédit Agricole (Suisse) S.A., <i>et al.</i>	12-01022	12-cv-02494

## 11-02760/ssmb12-12000c (811-19-JSFRed 203/277/4/7t 31EnteredFi03/278/177/102269:46ge 1Exhibit 16 Pg 6 of 8

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant. In re: MADOFF SECURITIES PERTAINS TO THE FOLLOWING CASES: IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE S.A., a/k/a BANQUE DU CRÉDIT AGRICOLE, Defendants. IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, CRÉDIT AGRICOLE S.A., a/k/a BANQUE DU CRÉDIT AGRICOLE, Defendants. IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Defendants. CACEIS BANK LUXEMBOURG and CACEIS BANK, Defendants.	UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK	
v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant. In re: MADOFF SECURITIES PERTAINS TO THE FOLLOWING CASES: IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, V. CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE S.A., a/k/a BANQUE DU CRÉDIT AGRICOLE, IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Defendants. IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, V. CRÉDIT AGRICOLE S.A., Adv. Pro. No. 12-01022 (BRL) V. CRÉDIT AGRICOLE S.A., Adv. Pro. No. 11-02758 (BRL) V. CACEIS BANK LUXEMBOURG and CACEIS BANK,		
BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant. In re: MADOFF SECURITIES PERTAINS TO THE FOLLOWING CASES: IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE S.A., a/k/a BANQUE DU CRÉDIT AGRICOLE, Defendants. IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Defendants. IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, V. CACEIS BANK LUXEMBOURG and CACEIS BANK,	:	12-misc-00115 (JSR)
In re: MADOFF SECURITIES PERTAINS TO THE FOLLOWING CASES: IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE S.A., a/k/a BANQUE DU CRÉDIT AGRICOLE, Defendants. IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. Case No. 12-cv-02494 (JSR) Adv. Pro. No. 12-01022 (BRL) Case No. 12-cv-02434 (JSR) Case No. 11-cv-02434 (JSR) Plaintiff, v. CACEIS BANK LUXEMBOURG and CACEIS BANK,	: BERNARD L. MADOFF INVESTMENT :	
MADOFF SECURITIES MADOFF SECURITIES PERTAINS TO THE FOLLOWING CASES: PERTAINS TO THE FOLLOWING CASES: IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, V. CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE S.A., a/k/a BANQUE DU CRÉDIT AGRICOLE, Defendants. IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, V. Case No. 11-cv-02434 (JSR) Plaintiff, Adv. Pro. No. 11-02758 (BRL) V. CACEIS BANK LUXEMBOURG and CACEIS BANK, CACEIS BANK,	Defendant.	
PERTAINS TO THE FOLLOWING CASES: IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, V. CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE S.A., a/k/a BANQUE DU CRÉDIT AGRICOLE, Defendants. IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, V. CACEIS BANK LUXEMBOURG and CACEIS BANK,	MADOFF SECURITIES :	
of Bernard L. Madoff Investment Securities LLC, Plaintiff, V. CRÉDIT AGRICOLE (SUISSE) S.A., and CRÉDIT AGRICOLE S.A., a/k/a BANQUE DU CRÉDIT AGRICOLE, Defendants. IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, V. CACEIS BANK LUXEMBOURG and CACEIS BANK,		
Defendants. IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. CACEIS BANK LUXEMBOURG and CACEIS BANK,	of Bernard L. Madoff Investment Securities LLC, : Plaintiff, : v. : CRÉDIT AGRICOLE (SUISSE) S.A., and : CRÉDIT AGRICOLE S.A., :	
of Bernard L. Madoff Investment Securities LLC, : Plaintiff, : V. CACEIS BANK LUXEMBOURG and CACEIS BANK, :	:	
Plaintiff, v. CACEIS BANK LUXEMBOURG and CACEIS BANK, :		Case No. 11-cy-02434 (ISP)
CACEIS BANK, :	:	
Defendants.	: CACEIS BANK LUXEMBOURG and	
	Defendants.	

## **CERTIFICATE OF SERVICE**

I, Matthew B. Lunn, hereby certify that on August 17, 2012, I caused a true and correct copy of the *Joinder to the Trustee's Memorandum of Law in Opposition to Defendants' Motion to Dismiss Concerning Extraterritoriality* to be filed electronically with the Court and served upon the parties in this action who receive electronic service through CM/ECF, and served by electronic mail upon the parties as set forth in Schedule A.

Dated: New York, New York August 17, 2012

By: /s/ Matthew B. Lunn Matthew B. Lunn

## 11-02760955m1b12-Droc (811-19-JSFRed D03/207/4.7t 3 EnteredFi0-3/278/177/10226946je Exhibit 16 Pg 8 of 8

## **SCHEDULE A**

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