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. LEGACY CAPITAL LTD., Defendant.	Adv. Pro. No. 10-05286 (SMB)

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Irving H. Picard, as trustee (the "Trustee") for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act ("SIPA"), 15 U.S.C. §§ 78aaa *et seq.*, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff, hereby appeals to the United States Court of Appeals for the Second Circuit under 28 U.S.C. § 158(d)(2), from each and every aspect of the final judgment annexed hereto as Exhibit 1 (the "Final Judgment") of the Honorable Stuart M.

Bernstein of the United States Bankruptcy Court for the Southern District of New York,[1] entered in the above-captioned adversary proceeding (the "Adversary Proceeding"), *Picard v. Legacy Capital Ltd.*, Adv. Pro. No. 10-05286 (SMB) (Bankr. S.D.N.Y. Nov. 12, 2019), ECF No. 231, including without limitation the following:

1. Memorandum Decision Regarding Motions to Dismiss the Trustee's Amended Complaint, granting in part Legacy Capital Ltd.'s motion to dismiss the Trustee's Amended Complaint (annexed hereto as Exhibit 2). *Picard v. Legacy Capital Ltd.*, Adv. Pro. No. 10-05286 (SMB) (Bankr. S.D.N.Y. Mar. 14, 2016), ECF No. 134;

2. Order Granting Legacy Capital Ltd.'s and Khronos LLC's Motions to Dismiss the Amended Complaint Under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) (annexed hereto as Exhibit 3). *Picard v. Legacy Capital Ltd.*, Adv. Pro. No. 10-05286 (SMB) (Bankr. S.D.N.Y. Apr. 12, 2016), ECF No. 137; and

3. Opinion and Order of the United States District Court for the Southern District of New York (Rakoff, J.), dated April 28, 2014 (annexed hereto as Exhibit 4). *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC (In re Madoff Sec.)*, 516 B.R. 18 (S.D.N.Y. 2014) (No. 12 mc-115 (JSR)), ECF No. 524.

The names of the relevant parties to the Final Judgment appealed, and the contact information of their attorneys, are as follows:

[1] The Final Judgment incorporated the terms of the Stipulation and Order for Entry of Final Judgment, so ordered by the Bankruptcy Court on the same date as the Final Judgment. *Picard v. Legacy Capital Ltd.*, Adv. Pro. No. 10-05286 (SMB) (Bankr. S.D.N.Y. Nov. 12, 2019), ECF No. 230.

Trustee / Appellant	Counsel for Trustee / Appellant
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Defendant / Appellee	Counsel for Defendant / Appellee
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PLEASE TAKE FURTHER NOTICE that the Trustee and the defendant in this Adversary Proceeding have agreed under 28 U.S.C. § 158(d)(2)(A) to certify this appeal to the Second Circuit. Accordingly, subsequent to the filing of this Notice of Appeal, the parties will file a form consistent with Official Bankruptcy Form 424 certifying this appeal.

PLEASE TAKE FURTHER NOTICE that if the Second Circuit does not authorize a direct appeal, the Trustee hereby appeals the Final Judgment, in the alternative, to the United States District Court for the Southern District of New York under 28 U.S.C. § 158(a)(1).

Dated: November 22, 2019
New York, New York

By: /s/ Oren J. Warshavsky

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