

**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.

Adv. Pro. No. 10-05345 (SMB)

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

Plaintiff,

v.

CITIBANK, N.A., CITIBANK NORTH
AMERICA, INC. and CITIGROUP GLOBAL
MARKETS LIMITED,

Defendants.

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 substantively consolidated Chapter 7 estate of Bernard L. Madoff, individually, hereby appeals to the United States Court of Appeals for the Second Circuit pursuant to 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, entered in the above-captioned adversary proceeding (the “Adversary Proceeding”), *Picard v. Citibank, N.A.*, Adv. Pro. No. 10-05345 (SMB) (Bankr. S.D.N.Y. Nov. 19, 2019), ECF No. 176, and in the main adversary proceeding, resulting in the dismissal of all of the Trustee’s claims against the defendants Citibank, N.A. and Citicorp North America, Inc. in this Adversary Proceeding, *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y. Nov. 19, 2019), ECF No. 19147, including without limitation the following:

1. Memorandum Decision Denying Trustee’s Motion for Leave to File Amended Complaint (annexed hereto as Exhibit 2). *Picard v. Citibank, N.A.*, Adv. Pro. No. 10-05345 (SMB) (Bankr. S.D.N.Y. Oct. 18, 2019), ECF No. 170;

2. Memorandum Decision Denying the Trustee’s Motion for Discovery Pursuant to Rule 26(d) (annexed hereto as Exhibit 3). *Picard v. Citibank*, 590 B.R. 200 (Bankr. S.D.N.Y. 2018) (Adv. Pro. No. 10-05345 (SMB)), ECF No. 140;

3. Order of the United States Bankruptcy Court for the Southern District of New York (Bernstein, J.), dated June 18, 2018, denying the Trustee’s motion for limited discovery pursuant to Federal Rules of Civil Procedure 26(d) (annexed hereto as Exhibit 4). *Picard v. Citibank, N.A.*, Adv. Pro. No. 10-05345 (SMB) (Bankr. S.D.N.Y. June 18, 2018), ECF No. 143;

4. 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 5). *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:

Trustee / Appellant	Counsel for Trustee / Appellant
Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff	BAKER & HOSTETLER LLP 45 Rockefeller Plaza New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201 Seanna R. Brown Email: sbrown@bakerlaw.com

Defendant / Appellee	Counsel for Defendant / Appellee
Citibank, N.A. and Citicorp North America, Inc.	CLEARY GOTTLIEB STEEN & HAMILTON LLP One Liberty Plaza New York, New York 10006 Telephone: (212) 225-2000 Facsimile: (212) 225-3999 Carmine D. Boccuzzi, Jr. Email: cboccuzzi@cgsh.com

PLEASE TAKE FURTHER NOTICE that the Trustee and all defendants 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 also file an 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 27, 2019
New York, New York

By: */s/ Seanna R. Brown*
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