

BakerHostetler

Baker&Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111

T 212.589.4200
F 212.589.4201
www.bakerlaw.com

Jason I. Blanchard
direct dial: 212.589.4619
jblanchard@bakerlaw.com

January 21, 2020

VIA ECF AND ELECTRONIC MAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, NY 10004-1408

Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC, No. 08-01789 (SMB): Motion for Approval of a Scheduling Order Relating to the Trustee's Determination of the Claim of Richard L. Cohen

Dear Judge Bernstein:

We are counsel to Irving H. Picard, trustee (the "Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the chapter 7 estate of Bernard L. Madoff under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* We write to request entry of the proposed stipulated scheduling order (the "Scheduling Order") annexed to this letter to establish a briefing and discovery schedule between the Trustee and Richard Cohen with respect to the determination of Mr. Cohen's claim and related objection.

On November 12, 2019, the Trustee filed the *Motion for Approval of a Scheduling Order Relating to the Trustee's Determination of the Claim of Richard L. Cohen* (the "Motion") by notice of presentment (ECF No. 19113). Although the Trustee and Mr. Cohen, through their respective counsel, had previously conferred on a consensual schedule to litigate the parties' dispute, Mr. Cohen did not respond to the Trustee's request for comments to the proposed schedule, thus the Motion was not filed on consent.

After the filing of the Motion, counsel to the Trustee and Mr. Cohen further conferred and Mr. Cohen agreed to the schedule set forth in the Scheduling Order. Accordingly, on November 26, 2019, the Trustee filed an amended notice of presentment for the Motion (ECF No. 19169) along with the Scheduling Order explaining that the parties were in agreement on the proposed schedule. The Trustee agreed to a January 17, 2020 presentment date for the Scheduling Order to

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accommodate Mr. Cohen's request for additional time to confer with counsel.

We have reviewed the Court's docket and to date, no objection, responsive pleading, or request for a hearing with respect to the Motion has been filed. Additionally, no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion. Therefore, the Trustee respectfully requests entry of the Scheduling Order.

Respectfully submitted,

/s/ Jason I. Blanchard

Jason I. Blanchard

cc: Brian Cohen (via email)