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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**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 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Chapter
7 Estate of Bernard L. Madoff,

Plaintiff,

v.

UBS EUROPE SE, formerly known as UBS
Deutschland AG, as successor in interest to Dresdner
Bank Lateinamerika AG, and LGT BANK
(SWITZERLAND) LTD. as successor in interest to
Dresdner Bank (Schweiz) AG,

Defendants.

Adv. Pro. No. 12-01577 (CGM)

**DECLARATION OF DEAN HUNT
IN SUPPORT OF TRUSTEE'S
MEMORANDUM IN OPPOSITION
TO DEFENDANT UBS EUROPE
SE'S MOTION TO DISMISS**

I, Dean D. Hunt, declare the following:

1. I am a member in good standing with the bars in which I am admitted, I have been admitted to this Court pro hac vice, and am a partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this Declaration in support of the Trustee’s Memorandum of Law in Opposition to Defendant UBS Europe SE’s (“UBS Europe” or “Defendant”) Motion to Dismiss.

3. Although several documents attached to this Declaration are stamped confidential, the Trustee’s records indicate that the producing parties have de-designated the documents as not confidential under the Litigation Protective Order entered in this liquidation. *See SIPC v. BLMIS (In re BLMIS)*, Adv. Pro. No. 08-01789 (CGM) (Bankr. S.D.N.Y. June 6, 2011 & Sept. 17, 2003), ECF Nos. 4137 & 5474. In addition, all personal identifying information has been redacted.

4. Attached as Exhibit 1 is a true and correct copy of email correspondence among Dresdner Bank Lateinamerika AG (“DBLA”) turned UBS Europe employee, Guido Lucke (“Lucke”) and Fairfield Greenwich Group (“FGG”) New York’s Philip Toub (“Toub”) and Lauren Ross (“Ross”), dated April 28, 2005 (ANWAR-C-ESI-00468326–327).

5. Attached as Exhibit 2 is a demonstrative timeline of certain exhibits attached to this Declaration showing the chronology of personal jurisdiction contacts before the dates DBLA and UBS Europe may have combined.

6. Attached as Exhibit 3 is a demonstrative timeline of certain exhibits attached to this Declaration showing the chronology of personal jurisdiction contacts after the dates DBLA and UBS Europe may have combined.

7. Attached as Exhibit 4 is a true and correct copy of email correspondence between Lucke and Ross, forwarded to employees of Citco Fund Services (Europe) B.V. (“Citco”) employees and dated January 9, 2006 (ANWAR-CFSE-00473985–986).

8. Attached as Exhibit 5 is a true and correct copy of email correspondence between Lucke, Ross, Thomas Terschlude (“Terschlude”), Rolf Maurer, and UBS AG employee, Maura Guerrieri (“Guerrieri”), forwarded to Citco and dated June 15–20, 2005 (ANWAR-CFSE-00606803–805).

9. Attached as Exhibit 6 is a true and correct copy of email correspondence between Lucke, Ross, and UBS’s Michael Hertwig (“Hertwig”), forwarded to the FGG team and dated September 30, 2008 (SECSEV1698417–418).

10. Attached as Exhibit 7 is a true and correct copy of email correspondence between Lucke and FGG New York, regarding Sentry investment (with Hertwig on carbon copy), using his UBS email account, dated October 31–November 1, 2005 (SECSEV1698565–567).

11. Attached as Exhibit 8 is a true and correct copy of an email from UBS Deutschland’s Florian Mitschker (“Mitschker”) to FGG U.S., with UBS’s Terschlude and Maja Becker carbon copied, regarding Defendant’s exposure to Madoff fraud and dated January 26, 2009 (SECSEV3241800–801).

12. Attached as Exhibit 9-a is an excerpt of a ledger showing Lucke’s downloads of Fairfield Sentry tear sheets, extracted from a true and correct copy of the full ledger, and filtered and formatted for legibility.

13. Attached as Exhibit 9-b is a true and correct copy of the full ledger showing downloads of Fairfield Sentry tear sheets (FG-04281553–2026).

14. Attached as Exhibit 9-c is a reformatted version of the true and correct copy of the full ledger showing downloads of Fairfield Sentry tear sheets, compressed for legibility.

15. Attached as Exhibit 10 is a true and correct copy of a Fairfield Sigma Limited (“Sigma”) subscription agreement, dated November 15, 2004 and signed by Defendant, allowing Defendant to buy shares in Sigma.

16. Attached as Exhibit 11 is a true and correct copy of a Fairfield Sentry Limited (“Sentry”) subscription agreement, dated October 28, 2003 and signed by Defendant, allowing Defendant to buy shares in Sentry.

17. Attached as Exhibit 12 is a true and correct copy of a Sentry private placement memorandum as of July 1, 2003 (SECSEV2137283–350).

18. Attached as Exhibit 13 is a true and correct copy of a group of Citco and Defendant documents supporting Defendant’s redemption of 30 shares from Sentry, including: (a) a Citco notice dated June 16, 2005, confirming redemption of 30 Sentry shares to Defendant (ANWAR-CFSE-00874555); (b) Defendant’s request for wire transfer payment for Citco to deposit funds from the Sentry redemption into Defendant’s Citibank New York account, dated June 14, 2005 (ANWAR-CFSE-00874557); (c) an executed checklist for the Sentry redemption, including relevant information about the order (ANWAR-CFSE-00874558); (d) a Citco notice dated May 2, 2005, confirming receipt of Defendant’s request to redeem from Sentry (ANWAR-CFSE-00874559–560); (e) a signed fax from DBLA to Citco, requesting Sentry redemption go to Defendant’s Citibank New York account, dated May 2, 2005 (ANWAR-CFSE-00874561–566);

and (f) an annotated Citco notice dated May 2, 2005, confirming receipt of Defendant's request to redeem from Sentry (ANWAR-CFSE-00874567).

19. Attached as Exhibit 14 is a true and correct copy of three Citco notices dated July 29, 2009, confirming Defendant's redemptions from Sentry (ANWAR-CFSE-00079500–502).

20. Attached as Exhibit 15 is a true and correct copy of email correspondence among FGG New York employees regarding FGG's plan to meet at Defendant's Miami office on June 24, 2003, dated June 18–20, 2003 (SECSEV0668827–8828).

21. Attached as Exhibit 16 is a true and correct copy of email correspondence among Lucke, DBLA's Nicole Schellhase ("Schellhase"), and Citco regarding rebates and explaining history of Miami locations for DBLA and dated December 1–January 27, 2003. (ANWAR-CFSE-00499502–506).

22. Attached as Exhibit 17 is a public Florida Uniform Commercial Code ("UCC") financing statement, filed March 30, 1999, from the Florida Secured Transaction Registry, showing that DBLA was associated with a Miami, Florida address. The record can be obtained here: <https://www.floridaucc.com/uccweb/ucc.aspx>.¹

23. Attached as Exhibit 18 is a true and correct copy of public record from the Florida Division of Corporation website, showing DBLA registered under a Miami, Florida address with a registered agent located in Miami, Florida (last accessed in June of 2020). This record may be accessed here:

<https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityNam>

¹ To access the public record once at the website, click "search" in the top blue ribbon. Then change the dropdown selection to "Filed/Lapsed Actual Debtor Name List," type "Dresdner Bank" into the "Name/Document Number" box, and hit "Search." Click the individual filing, go down to the "Document Number" hyperlink, and click. That will pull up the actual stamped and recorded UCC filing.

e&directionType=Initial&searchNameOrder=DRESDNERBANKLATEINAMERIKAAKTIE%
208493981&aggregateId=forp-849398-a798f1ed-a0f0-48e4-ac51-
91e8e401fa45&searchTerm=dresdner%20bank%20lateinamerika&listNameOrder=DRESDNER
BANKLATEINAMERIKAAKTIE%208493981.

24. Attached as Exhibit 19 is a true and correct copy of a public report from Florida's Department of Revenue's Office of the Property Appraisers ("FL Property Appraisers") report showing "Dresdner Lateinamerika Fin LLC" as owner of building in Miami, Florida, with a mailing address in Miami, Florida (generated on June 8, 2022). This information may be found here: <https://www.miamidade.gov/Apps/PA/propertysearch/#/>.

25. Attached as Exhibit 20 is a true and correct copy of email correspondence among FGG US employees and a Caledon Partners employee memorializing FGG's visit to Dresdner Bank's Miami office (SECSEV0669201–202).

26. Attached as Exhibit 21 is a true and correct copy of email correspondence among Lucke and Ross, and FGG New York employee Philip Toub ("Toub") regarding Sentry investment. (SECSEV0674618–619).

27. Attached as Exhibit 22 is a true and correct copy of email correspondence among Terschluse, Toub, DBLA's Renata Scholtz, and Citco regarding FGG sending rebates owed to DBLA, using DBLA's Dresdner Bank AG, New York account and dated May 14–July 4, 2001 (ANWAR-CFSE-00456234–239).

28. Attached as Exhibit 23 is a true and correct copy of email correspondence among Lucke, Toub, Caledon Partners, Citco, and others regarding DBLA allocations in Sentry and dated November 3–5, 2003 (ANWAR-C-ESI-00268171–172).

29. Attached as Exhibit 24 is a true and correct copy of email correspondence among Lucke, Schellhase, DBLA's Christina Wachholz and Karsten Ristow, Ross, Toub, and other Fairfield employees regarding DBLA's subscriptions into Sentry, dated December 16–22, 2003 (SECSEV1773998–4001).

30. Attached as Exhibit 25 is a true and correct copy of email correspondence among Lucke, Ross, Toub, and other Fairfield employees regarding Sentry and Sigma investments, dated July 13, 2004 (SECSEV0596767–768).

31. Attached as Exhibit 26 is a true and correct copy of UBS's website showing UBS to have a New York office (last accessed on October 16, 2022). This website can be accessed here: <https://www.ubs.com/global/en/our-firm/locations.html>.

32. Attached as Exhibit 27 is a true and correct copy of a Citco transaction sheet, dated April 20, 2001, showing that LGT Bank Liechtenstein used UBS AG's Stamford, Connecticut branch as the correspondent bank for transacting with Sigma (ANWAR-CFSE-00326590).

33. Attached as Exhibit 28 is a true and correct copy of email correspondence regarding DBLA using a New York bank account to receive Sentry quarterly fees (ANWAR-CFSE-00437279–280).

34. Attached as Exhibit 29 is a true and correct copy of email correspondence among FGG U.S. employees, dated June 25, 2003, stating FGG U.S. employees visited Dresdner's Miami office on June 24, 2003 and DBLA would invest in Sentry (SECSEV0669147).

35. Attached as Exhibit 30 is a true and correct copy of email correspondence between DBLA's Robert Mori ("Mori") and FGG employees stating Mori called FGG expressing interest in the Fairfield Funds and sending information about Sentry (SECSEV0580805–807).

36. Attached as Exhibit 31 is a true and correct copy of a signed Letter of Understanding between DBLA and Fairfield Greenwich Limited, signed November 18, 2003, allowing DBLA to

receive fees in a Citibank New York bank account for promoting the Fairfield funds, including Sentry and Sigma, and electing Lucke to receive notices under the agreement (ANWAR-CFSE-00790295–298).

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: November 14, 2022
Houston, Texas

By: /s/ Dean D. Hunt
Dean D. Hunt