

**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 (LGB)

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.

BNP PARIBAS ARBITRAGE SNC,

Defendant.

Adv. Pro. No. 11-02796 (LGB)

**ORDER GRANTING UNOPPOSED MOTION FOR ISSUANCE OF LETTER OF
REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE, APPOINTMENT
OF COMMISSIONER AND PRIVACY MONITOR, AND DIRECTION OF
SUBMISSION OF HAGUE CONVENTION APPLICATION**

Upon the Unopposed Motion for Issuance of Letter of Request for International Judicial Assistance, Appointment of Commissioner and Privacy Monitor, and Direction of Submission of Hague Convention Application (the “Application”) filed by Defendant BNP Paribas Arbitrage SNC (“BNPP Arbitrage”), requesting the issuance of a Letter of Request for International Judicial

Assistance to authorize a commissioner in France (“Letter of Request”) pursuant to 28 U.S.C. § 1781, Chapter II of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, T.I.A.S. No. 7444, 23 U.S.T. 2555 (“Hague Convention”), this Court’s inherent authority, and in light of the comity between the United States and France, and upon the record of the above-captioned matter;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

- 1) The Application is **Granted**.
- 2) The Letter of Request attached to the Application as Exhibit 1 is hereby issued as the Court’s Letter of Request and is fully incorporated herein. This Court shall sign the Letter of Request and affix the seal of the United States Bankruptcy Court for the Southern District of New York over said signature.
- 3) Pursuant to Article 17 of the Hague Convention, Alexander Blumrosen is hereby duly appointed, pending the approval of the French Ministère de la Justice and subject to the terms of the Request for Assistance, as Commissioner to:
 - a. receive from BNPP Arbitrage its French-originated documents that are responsive to Plaintiff Irving H. Picard’s (“Trustee”) First Set of Requests for Production of Documents to Defendant BNPP Arbitrage (“Document Requests”), dated August 2, 2024, subject to the responses and objections to the Document Requests that BNPP Arbitrage served on the Trustee on September 17, 2024 and subsequent correspondence between BNPP Arbitrage and the Trustee (“Documents”);
 - b. transmit the Documents to counsel for the Trustee and BNPP Arbitrage pursuant to Article 17 of the Hague Convention and in performance of his appointment as Commissioner and duties thereunder;
 - c. and upon completion, inform the French Ministère de la Justice.
- 4) This signed Order and the signed Letter of Request will be given to Cleary Gottlieb Steen and Hamilton LLP, counsel for BNPP Arbitrage, which will file or request the Commissioner to timely file both documents (and the exhibits thereto),

along with French translations of both documents (and the exhibits thereto), with the Ministère de la Justice, Direction des Affaires Civiles et du Sceau, Département de l'entraide, du droit international privé et européen (DEDIPE), 13, Place Vendôme, 75042 Paris Cedex 01, France.

- 5) BNPP Arbitrage will use its best efforts to promptly obtain the Ministère de la Justice's approval of the Court's Request for Assistance and appointment of the Commissioner and Privacy Monitor. After the Ministère de la Justice's approval of the Court's Request for Assistance, BNPP Arbitrage will make best efforts to begin transmitting the Documents to the Commissioner for rolling production within 30 days, to be completed as soon as practicable but no later than May 8, 2026 (subject to extension if ordered by this Court).
- 6) As set forth in the Case Management Plan entered in this Adversary Proceeding, *see* ECF No. 125 ¶ 5, all Documents will be produced in accordance with the procedures set forth in the Litigation Protective Order ("LPO"), *Sec. Inv. Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, Adv. Pro. No. 08-01789 (Bankr. S.D.N.Y. June 6, 2011), ECF No. 4137, as amended by the Order Modifying the LPO, *Sec. Inv. Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, Adv. Pro. No. 08-01789 (Bankr. S.D.N.Y. Sept. 17, 2013), ECF No. 5474.
- 7) Any unresolved disputes between BNPP Arbitrage and the Trustee regarding the production of the Documents received by the Commissioner shall be determined exclusively by this Court. Further, any unresolved disputes between BNPP Arbitrage and the Trustee concerning any Documents withheld from the Commissioner on the basis of an assertion of privilege, on grounds of relevance,

or on any other grounds, shall be determined by this Court or, if agreed in writing by BNPP Arbitrage and the Trustee, by a discovery arbitrator approved by this Court. The Commissioner will adhere to any such order issued by this Court relating to document discovery in this Adversary Proceeding.

- 8) All costs of this Hague Convention process, including, without limitation, the fees of the Commissioner, translation fees for these motion papers, and any transmittal costs for the Documents, will be borne by BNPP Arbitrage. Each party will be responsible for the fees and expenses, if any, of its own attorneys relating to any proceedings arising from this Hague Convention process.
- 9) Neither this Order, the transmission of Documents by BNPP Arbitrage to the Commissioner pursuant to the Hague Convention, any examination of Documents by the Commissioner, nor the terms of the Letter of Request (which are incorporated into this Order) shall constitute or operate as a waiver of any argument, position, objection, allegation, claim, or defense of any party in this Adversary Proceeding, including any defense to personal jurisdiction that BNPP Arbitrage has raised or may otherwise have, or of the attorney-client privilege, the work product doctrine, or any other privileges, rights, protections, or prohibitions that may apply to that evidence under the laws of France, the United States, or the State of New York, and including the Trustee's rights to discovery under the Federal Rules of Civil Procedure. All materials withheld, in whole or in part, on the basis of attorney-client privilege shall be so identified on an appropriate log in accordance with Federal Rule of Civil Procedure 26(b)(5) and Local Civil Rule

26.2 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

- 10) The parties have agreed that, to the extent BNPP Arbitrage believes French Bank Secrecy Law applies and where not unduly burdensome, BNPP Arbitrage will redact information which is subject to French Bank Secrecy Law.
- 11) Mr. Blumrosen is also hereby appointed Privacy Monitor, to oversee and to certify, as may be required, BNPP Arbitrage's compliance with applicable French and EU data protection and bank secrecy laws.

Dated: New York, New York
March 18, 2026

SO ORDERED:

/s/ Lisa G. Beckerman

Honorable Lisa G. Beckerman
United States Bankruptcy Judge