

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Oren J. Warshavsky
Heather R. Wlodek

Presentment Date: March 1, 2021
Time: 12:00 p.m.

Objections Due: March 1, 2021
Time: 11:00 a.m.

*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,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**NOTICE OF PRESENTMENT OF TRUSTEE'S APPLICATION
FOR AN ORDER APPROVING THE RETENTION OF
SOFFER AVOCATS AS SPECIAL COUNSEL**

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, 15 U.S.C. §§ 78aaa, *et seq.* ("SIPA"), and the substantively consolidated estate of Bernard L. Madoff, by the Trustee's undersigned counsel, will present an order approving the retention of Soffer Avocats as special counsel, a copy of which is annexed

hereto as Exhibit A (the “Order”), to the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, for signature on **March 1, 2021 at 12:00 p.m.**

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the Order (“Objections”), shall (i) be in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules and General Orders; (iii) specify the name of the objecting party and state with specificity the basis of the objection(s) and the specific grounds therefore; (iv) be filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with a proof of service, and a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein, One Bowling Green, New York, New York 10004; and (v) be served upon (a) Baker & Hostetler LLP, Counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan, Esq., and (b) the Securities Investor Protection Corporation, 1667 K Street, NW, Suite 1000, Washington, DC 20006-1620, Attn: Kevin H. Bell, Esq., so as to be received no later than **March 1, 2021 at 11:00 a.m.**

PLEASE TAKE FURTHER NOTICE, that in the event any Objections are timely served and filed, the parties will contact the Courtroom Deputy for a hearing date and the moving party will notify other parties entitled to receive notice. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in the relief being granted or denied upon default.

PLEASE TAKE FURTHER NOTICE, that the ECF docket number to which the filing relates shall be included in the upper right hand corner of the caption of all Objections.

PLEASE TAKE FURTHER NOTICE, that if no timely Objections are served or filed
the proposed Order may be signed without a hearing.

Dated: February 22, 2021
New York, New York

By: /s/ Oren J. Warshavsky
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Oren J. Warshavsky
Email: owarshavsky@bakerlaw.com
Heather R. Wlodek
Email: hwlodek@bakerlaw.com

*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*

EXHIBIT A

Proposed Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**ORDER GRANTING THE TRUSTEE'S APPLICATION TO
RETAIN SOFFER AVOCATS AS SPECIAL COUNSEL**

Upon the Application of Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, and the Chapter 7 estate of Bernard L. Madoff, for authority to retain Soffer Avocats ("Soffer Avocats") as special counsel, and upon the declaration of Mr. Ron Soffer submitted in connection therewith, and due and proper notice having been given under the circumstances of this case, and after due deliberation,

IT IS HEREBY ORDERED THAT:

1. The Application is **GRANTED**.
2. The Court finds that Soffer Avocats is deemed disinterested under 15 U.S.C.

§ 78eee(b)(6)(B).

3. The Trustee is authorized to retain Soffer Avocats as special counsel to the Trustee as provided in the Application.

Dated: _____, 2021
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
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David J. Sheehan
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Presentment Date: March 1, 2021
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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.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**THE TRUSTEE’S APPLICATION FOR AN ORDER APPROVING THE
RETENTION OF SOFFER AVOCATS AS SPECIAL COUNSEL**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the Chapter 7 estate of Bernard L. Madoff (together with BLMIS, the “Debtor”), by and through his undersigned counsel, hereby submits this Application for authority to retain Soffer Avocats (“Soffer Avocats”) as special

counsel and respectfully represents as follows:

Jurisdiction

1. This Court has jurisdiction over this Application under SIPA section 78eee(b) and 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue in this District is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief sought herein are section 78eee(b)(3) of SIPA, sections 327(e), 328, 329 and 330 of the Bankruptcy Code, and Fed. R. Bankr. P. 2014.

Background

3. On December 11, 2008, the Securities and Exchange Commission filed a complaint in the United States District Court for the Southern District of New York against Bernard L. Madoff and BLMIS, alleging that Madoff and BLMIS engaged in fraud through the investment advisory activities of BLMIS. *See United States v. Madoff*, No. 08 CV 10791 (S.D.N.Y. 2008).

4. On December 15, 2008, the Honorable Louis L. Stanton of the United States District Court for the Southern District of New York entered an order pursuant to SIPA, which in pertinent part:

- a) appointed the Trustee for the liquidation of the business of BLMIS pursuant to section 78eee(b)(3) of SIPA;
- b) appointed Baker & Hostetler LLP as counsel to the Trustee pursuant to section 78eee(b)(3) of SIPA; and
- c) removed the case to this Bankruptcy Court pursuant to section 78eee(b)(4) of SIPA.

5. The retention of Soffer Avocats will assist the Trustee with litigation where French law is implicated or where defendants are located in France. It will also assist the Trustee

with the Trustee's international discovery efforts and reconciling how to navigate the United States and French legal systems at the same time.

Relief Requested

6. Soffer Avocats is a Paris-based international litigation boutique. Mr. Ron Soffer, a partner at Soffer Avocats, is a seasoned litigator with expertise in complex multi-jurisdictional litigation. He is a member of the New York, Paris, and Israel Bars, and is well versed in the rules of discovery in France and the United States.

7. The services of Soffer Avocats and Mr. Soffer are necessary and essential to enable the Trustee to execute faithfully his duties in the SIPA liquidation proceeding. The Trustee, therefore, proposes to retain and employ Soffer Avocats as its special counsel with regard to litigation and any similar matters as directed by the Trustee.

8. The Trustee submits that the retention of Soffer Avocats is permissible under section 78eee(b)(3) of SIPA and is in the best interest of the Debtor's estate, customers, and creditors. To the best of the Trustee's knowledge, and as set out in Mr. Soffer's declaration of disinterestedness annexed hereto as Exhibit A, the partners of Soffer Avocats are disinterested pursuant to section 78eee(b)(3) of SIPA and do not hold or represent any interest adverse to the Debtor's estate in respect of the matter for which Soffer Avocats is to be retained.

9. Soffer Avocats is willing to act on the Trustee's behalf to render the foregoing professional services and will be compensated at agreed upon rates, listed below, which reflect a reduction of its normal rates by ten percent (10%). Applications for compensation to Soffer Avocats will be filed with this Court pursuant to applicable statutes, rules, and orders of this Court. Soffer Avocats rate information is as follows:

Attorney	Standard Rates	Discounted Rates
Ron Soffer	€750.00	€675.00
Associates/Partners	€350.00-600.00	€315.00-€540.00

Soffer Avocats and Baker & Hostetler will coordinate so that there will be no duplication of efforts.

10. SIPC has no objection to this Application and, pursuant to SIPA section 78eee(b)(3), SIPC specifies that the Trustee should be authorized to retain Soffer Avocats as special counsel for the purposes identified herein.

Notice

11. Notice of this Application will be provided by U.S. Mail or email to (i) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures (ECF No. 4560); (ii) all parties that have filed a notice of appearance in this case; (iii) the SEC; (iv) the IRS; (v) the United States Attorney for the Southern District of New York; and (vi) SIPC, pursuant to the Order Establishing Notice Procedures (ECF No. 4560). The Trustee submits that no other or further notice is required.

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form of Exhibit B hereto, (a) granting this Application; (b) authorizing the Trustee to employ Soffer Avocats as special counsel for the purposes described herein; and (c) granting the Trustee such other and further relief as is just and proper.

Dated: February 22, 2021
New York, New York

Respectfully submitted,

/s/ Oren J. Warshavsky

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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
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EXHIBIT A

Declaration of Disinterestedness

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**DECLARATION OF DISINTERESTEDNESS OF RON SOFFER
OF SOFFER AVOCATS AS PROPOSED SPECIAL COUNSEL TO THE TRUSTEE**

I, Ron Soffer, declare as follows:

1. I am a member of the Paris Bar and admitted to practice as an attorney in France. I am also a member of the New York and Israel Bars.
2. I am a partner of the law firm Soffer Avocats (“Soffer Avocats”).
3. All matters stated herein are known by me to be true except as otherwise stated.
4. By the Order dated December 15, 2008, entered by the Honorable Louis A. Stanton of the United States District Court for the Southern District of New York, Irving H. Picard (the “Trustee”), was appointed as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff (together, the “Debtor”). The Trustee has retained Baker & Hostetler LLP as his primary counsel. The Trustee wishes to retain Soffer Avocats as special counsel to assist the Trustee in France in gathering evidence pursuant to the various insolvency/bankruptcy laws of the United States and France as well as to assist as necessary in advising on various matters, including any litigation seeking recovery from third parties of assets of the estate.
5. Section 78eee(b)(6) of the Securities Investor Protection Act of 1970 (“SIPA”) is entitled “Disinterestedness” and provides as follows:

(6) Disinterestedness

(A) Standards

For the purposes of paragraph (3), a person shall not be deemed disinterested if:

- (i) such person is or was a creditor (including a customer), stockholder, or partner of the debtor;
- (ii) such person is or was an underwriter of any of the outstanding securities of the debtor or within five years prior to the filing date was the underwriter of any securities of the debtor;
- (iii) such person is, or was within two years prior to the filing date, a director, partner, officer, or employee of the debtor or such an underwriter, or an attorney for the debtor or such an underwriter; or
- (iv) it appears that such person has by reason of any other direct or indirect relationship to, connection with, or interest in the debtor or such an underwriter, or for any other reason an interest materially adverse to the interests of any class of creditors (including customers) or stockholders,

except that SIPC shall in all cases be deemed disinterested, and an employee of SIPC shall be deemed disinterested if such employee would, except for his association with SIPC, meet the standards set forth in this subparagraph.

(B) Hearing

The court shall fix a time for a hearing on disinterestedness, to be held promptly after the appointment of a trustee. Notice of such hearing shall be mailed at least ten days prior thereto to each person who, from the books and record of the debtor, appears to have been a customer of the debtor with an open account within the past twelve months, to the address of such person as it appears from the books and records of the debtor, and to the creditors and stockholders of the debtor, to SIPC, and to such other persons as the court may designate. The court may, in its discretion, also require that notice be given by publication in such newspaper or newspapers of general circulation as it may designate. At such hearing, at any adjournment thereof, or upon application, the court shall hear objections to the retention in office of a trustee or attorney for a trustee on the grounds that such person is not disinterested.

15 U.S.C. section 78eee(b)(6)

6. In order to determine that Soffer Avocats is disinterested within the meaning of SIPA section 78eee(b)(6), I used the firm's conflicts check procedures and practices to determine that, to the best of my knowledge, Soffer Avocats meets the "disinterestedness" requirements set forth in SIPA section 78eee(b)(6).
7. In response to the firm's conflicts check procedures and practices, no conflict or association with the Debtor was disclosed.
8. Based on this enquiry, and that belief, it would appear that Soffer Avocats meets the disinterestedness standard of SIPA section 78eee(b)(6)(A), as well as under Bankruptcy

Code Section 327(a) and Federal Rule of Civil Procedure 2014(a) and has no conflict nor an interest materially adverse to the Debtor.

9. As a result, to the best of my knowledge, information and belief, I have been able to determine:
 - (A) No attorney or non-attorney employee of Soffer Avocats is a creditor (including customer), stockholder, or partner of the Debtor;
 - (B) No attorney or non-attorney employee of Soffer Avocats is or was an underwriter of any of the outstanding securities of the Debtor or within five years prior to the filing date was the underwriter of any securities of the Debtor;
 - (C) No attorney or non-attorney employee of Soffer Avocats is or was within two years prior to the filing date, a director, partner, officer or employee of the Debtor or such an underwriter or any attorney for the Debtor or such an underwriter; and
 - (D) It appears that no attorney or non-attorney employee of Soffer Avocats has, by reason of any other direct or indirect relationship to, connection with, or interest in the Debtor or such an underwriter, or for any other reason, an interest materially adverse to the interest of any class of creditors (including customers) or stockholders.
10. I understand that the Trustee and SIPC are continuing to research and analyze the books and records of the Debtor on an ongoing basis. As a result, additional information may be discovered that may be relevant to the instant Declaration. I understand that Soffer Avocats has a continuing duty to disclose any subsequently discovered information and/or connections within the meaning of SIPA section 78eee(b)(6), and I will supplement this Declaration as appropriate.

I declare under penalty of perjury that the foregoing is true and correct and if called on as a witness I could testify competently thereto.

Executed on the 22nd day of February 2021 at Paris.

/s/ Ron Soffer

Ron Soffer

Soffer Avocats

EXHIBIT B

Proposed Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**ORDER GRANTING THE TRUSTEE'S APPLICATION TO
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Upon the Application of Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, and the Chapter 7 estate of Bernard L. Madoff, for authority to retain Soffer Avocats ("Soffer Avocats") as special counsel, and upon the declaration of Mr. Ron Soffer submitted in connection therewith, and due and proper notice having been given under the circumstances of this case, and after due deliberation,

IT IS HEREBY ORDERED THAT:

1. The Application is **GRANTED**.
2. The Court finds that Soffer Avocats is deemed disinterested under 15 U.S.C.

§ 78eee(b)(6)(B).

3. The Trustee is authorized to retain Soffer Avocats as special counsel to the Trustee as provided in the Application.

Dated: _____, 2021
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE