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Presentment Date: November 1, 2023

Time: 12:00 p.m.

Objections Due: October 31, 2023

Time: 5:00 p.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.

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.

LEGACY CAPITAL LTD. and KHRONOS LLC,

Defendants.

Adv. Pro. No. 10-05286 (CGM)

**NOTICE OF PRESENTMENT OF ORDER
AMENDING STIPULATED CASE MANAGEMENT PLAN**

PLEASE TAKE NOTICE that pursuant to the Order directing the Trustee to submit a proposed order amending the stipulated case management plan in *Picard v. Legacy Capital Ltd., et al.*, Adv. Pro. No. 10-05286 (CGM) (Bankr. S.D.N.Y. October 19, 2023) [ECF No. 280], and in accordance with Local Bankruptcy Rule 9074-1(a), Irving H. Picard, as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the substantively consolidated estate of Bernard L. Madoff, through his undersigned counsel, will present the proposed order amending the stipulated case management plan, attached hereto as **Exhibit A**, to the Honorable Cecelia G. Morris, United States Bankruptcy Judge, for settlement and signature on **November 1, 2023 at 12:00 p.m.**

PLEASE TAKE FURTHER NOTICE that to the extent there is a counter-proposed order or objection to the proposed order filed by Defendant Legacy Capital Ltd. (“Defendant”), it must be in writing, and be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, in by no later than **October 31, 2023 at 5:00 p.m.** (the “Objection Deadline”), with a courtesy copy delivered to the Chambers of the Honorable Cecelia G. Morris and served upon (a) Baker and Hostetler LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan and Jason S. Oliver (b) Securities Investor Protection Corporation, 1667 K St. N.W., Suite 1000, Washington D.C. 20006-1620, Attn: Kevin H. Bell. Any objections to the proposed order must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection. Unless a counter-proposed order or written objection to the proposed order is received before the Objection Deadline, the proposed order

may be signed and entered by the Court without further notice.

PLEASE TAKE FURTHER NOTICE that the Trustee is filing this Notice of Presentment after attempting to negotiate with Defendant a proposed order amending the stipulated case management plan (the “Proposed Order”) that could be filed on consent. More specifically, on October 24, 2023, the Trustee prepared and exchanged a Proposed Order for Defendant’s review that followed the Court’s rulings and instructions at the October 18, 2023 Status Conference. During that hearing, the Court extended all fact discovery by 6-months without establishing any interim deadlines. Additionally, the Court implemented two Status Conferences with specific reporting requirements by the Trustee and the Defendant. On October 26, 2023, the Trustee received revisions to the form of the Proposed Order that inserted discovery restrictions and interim deadlines. Defendant’s counterproposal included the requirement that the Trustee notice all depositions on the issue of good faith in advance of the Court’s March 22, 2024 Status Conference. Additionally, Defendant’s proposal prohibited the Trustee from serving any document requests or third-party subpoenas other than “international third-party document subpoenas to entities for which the requesting Party did not have documentation necessary to serve such subpoenas” On October 27, 2023, the Trustee sent a counterproposal to Defendant that served to remove these discovery restrictions. On the same day, the Trustee participated in a video meet and confer with Defendant. At the conclusion of the meet and confer, the Trustee sent a further revised Proposed Order for Defendant’s consideration and sought Defendant’s agreement to the form of order by October 30, 2023. On October 30, 2023 at 3:06pm, Defendant sent a revised version of the Proposed Order that retained the language concerning the interim deadline to notice depositions as well as the restriction concerning service of document requests and third-party document subpoenas.

PLEASE TAKE FURTHER NOTICE that after the aforementioned rounds of edits and the October 27, 2023 meet and confer, the parties agreed on most of the language of the Proposed Order. The only remaining issues preventing the joint submission of the Proposed Order is Defendant's inclusion of the aforementioned interim discovery deadlines that were not ruled on by the Court. The parties spent significant time discussing these issues and how to potentially resolve them, but ultimately, the parties could not agree. Therefore, the Trustee seeks to have the Proposed Order submitted with this Notice of Presentment to be entered by the Court as the parties are currently at an impasse.

Dated: October 30, 2023
New York, New York

BAKER & HOSTETLER LLP

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Liquidation of Bernard L. Madoff Investment
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