

**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 (LGB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**APPLICATION OF PIGNATARO ABOGADOS AS SPECIAL COUNSEL TO THE  
TRUSTEE FOR ALLOWANCE OF INTERIM COMPENSATION FOR SERVICES  
RENDERED AND REIMBURSEMENT OF EXPENSES INCURRED  
FROM MARCH 13, 2024 THROUGH JULY 31, 2024**

Pignataro Abogados, special counsel for Irving H. Picard (the “Trustee”), Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS” or “Debtor”) under the Securities Investor Protection Act of 1970, 15 U.S.C. §§ 78aaa *et seq.* (“SIPA”) and Bernard L. Madoff, submits this Application for Interim Allowance of Fees (the “Application”) for compensation of legal fees in the amount of \$2,275.54 (of which 20% is to be deferred through the conclusion of the liquidation period) for the period from March 13, 2024 through July 31, 2024 (the “Compensation Period”). In support of the Application, Pignataro Abogados respectfully submits as follows:

## **I. BACKGROUND**

1. On December 15, 2008, Judge Stanton of the United States District Court for the Southern District of New York, upon application filed on the same date by the Securities Investor Protection Corporation (“SIPC”), entered an order calling for the liquidation of the business of the Debtor in accordance with SIPA and appointing the Trustee as the trustee for the liquidation of the Debtor’s business.

2. The Debtor’s liquidation proceeding was removed to this Court pursuant to SIPA § 78eee(b)(4), and, to the extent consistent with the provisions of SIPA, is being conducted as though it were a case under chapters 1, 3, and 5 and subchapters I and II of chapter 7 of title 11 of the United States Code (the “Bankruptcy Code”) pursuant to SIPA § 78fff(b).

3. Beginning on March 13, 2024, Pignataro Abogados has served as special counsel for the Trustee in Costa Rica.

4. On March 13, 2024, this Court entered an order approving the Trustee’s motion for authority to retain Pignataro Abogados as special counsel to the Trustee in all matters pertaining to Swiss law and Swiss legal proceedings.

5. The Trustee’s motion to retain Pignataro Abogados established a fee arrangement pursuant to which Pignataro Abogados agreed to a fee reduction in the amount of 10% as well as an additional holdback of fees in the amount of 20%.

## **II. SERVICES RENDERED BY PIGNATARO ABOGADOS**

6. The legal services performed by Pignataro Abogados on behalf of the Trustee during the time period covered by this Application are as follows:

7. Pignataro Abogados advised the Trustee regarding various issues under Costa Rican law.

8. Pignataro Abogados assisted the Trustee with litigation where Costa Rican law is implicated.

### **III. COMPENSATION REQUESTED**

9. The Application demonstrates how Pignataro Abogados has both added value to the Debtor's estate and has advanced the Debtor's SIPA liquidation proceeding.

10. Pignataro Abogados has been mindful of the need to avoid undue legal fees in this case and has taken all reasonable steps to provide cost-effective representation while rendering services with the highest degree of skill and professionalism. To that end, Pignataro Abogados has staffed this matter leanly and endeavored to eliminate duplication of efforts by giving primary responsibility of the case to one partner, Alejandro Pignataro.

11. From March 13, 2024 through July 31, 2024, Pignataro Abogados provided a total of 7.50 hours of legal services to the Trustee in this case. Prior to the 10% discount, the total amount of fees incurred in this time period was \$2,237.50 and the total blended rate for professional services was \$298.33/hour. After the 10% discount, the total amount of fees incurred is \$2,013.75 and the total blended rate is \$268.50/hour. Pignataro Abogados's fees are also subject to a 13% value added tax. After applying the value added tax, to the discounted fees, in the amount of \$261.79, the total compensation requested is \$2,275.54. Pignataro Abogados has agreed to a further holdback of 20% of its fees in the amount of \$664.54, resulting in the present request for compensation in the amount of \$1,611.00.

12. A breakdown of the total number of hours performed by each Pignataro Abogados timekeeper is provided on **Exhibit A** annexed hereto.

#### **IV. GENERAL MATTERS**

13. All of the professional services for which compensation is requested herein were performed by Pignataro Abogados for and on behalf of the Trustee and not on behalf of any other person or entity.

14. No agreement or understanding exists between Pignataro Abogados and any other person for sharing compensation received in connection with this case nor has any other person or entity agreed to provide Pignataro Abogados with compensation for the legal services described herein.

15. Section 78eee(b)(5)(A) of SIPA provides in pertinent part that, upon appropriate application and after a hearing, “[t]he court shall grant reasonable compensation for services rendered and reimbursement for proper costs and expenses incurred . . . by a trustee, and by the attorney for such a trustee . . .” Section 78eee(b)(5)(C) of SIPA specifically establishes SIPC’s role in connection with applications for compensation and the consideration the Court should give to SIPC’s recommendation concerning fees. That section provides as follows:

In any case in which such allowances are to be paid by SIPC without reasonable expectation of recoupment thereof as provided in this chapter and there is no difference between the amounts requested and the amounts recommended by SIPC, the court shall award the amounts recommended by SIPC. In determining the amount of allowances in all other cases, the court shall give due consideration to the nature, extent, and value of the services rendered, and shall place considerable reliance on the recommendation of SIPC.

SIPA § 78eee(b)(5)(C).

16. To the extent the general estate is insufficient to pay such allowances as an expense of administration, SIPA § 78eee(b)(5)(E) requires SIPC to advance the funds necessary to pay the compensation of Pignataro Abogados f(see SIPA § 78fff-3(b)(2)).

17. The Trustee has determined, at this time, that he has no reasonable expectation that the general estate will be sufficient to make a distribution to general creditors or pay administrative

expenses. SIPC has advised the Trustee that it concurs with this determination. Accordingly, any fees and expenses allowed by this Court will be paid from advances by SIPC without any reasonable expectation by SIPC of recoupment thereof.

18. Therefore, with respect to this Application, Pignataro Abogados requests that, consistent with section 78eee(b)(5)(C) of SIPA, the Court “shall award the amounts recommended by SIPC.” *See In re Bell & Beckwith*, 112 B.R. 876 (Bankr. N.D. Ohio 1990). Pignataro Abogados expects that SIPC’s recommendation shall be filed with this Court separately.

**WHEREFORE**, Pignataro Abogados respectfully requests that this Court enter an Order:

- a. Granting this Application; and
- b. Allowing and awarding \$2,275.54, of which \$1,611.00 is to be paid currently and \$664.54 is to be held back through the conclusion of the liquidation period or until further order of the Court, as an interim payment for professional services rendered by Pignataro Abogados to the Trustee from March 13, 2024 through July 31, 2024; and
- c. Granting Pignataro Abogados such other and further relief as this Court deems just and proper.

Respectfully submitted,

Dated: October 25, 2024

Pignataro Abogados

By: /s/ Alejandro Pignataro

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**EXHIBIT A**

**SUMMARY OF INTERIM FEE APPLICATION**  
**OF PIGNATARO ABOGADOS FOR SERVICES RENDERED**  
**FOR THE PERIOD MARCH 13, 2024 THROUGH JULY 31, 2024**

	<b>HOURLY RATE</b>	<b>TOTAL HOURS BILLED</b>	<b>TOTAL COMPENSATION</b>
Alejandro Pignataro	\$400.00	1.00	\$400.00
Valeria Soto	\$225.00	1.50	\$337.50
Marcelo Volio	\$300.00	5.00	\$1,500.00
Total:	\$298.33	7.50	\$2,237.50
Total minus 10% Discount	\$268.50		\$2,013.75
13% Value Added Tax			\$261.79
Total Plus Value Added Tax			\$2,275.54
<b>Total Net of 20% Holdback:</b>			<b>\$1,611.00</b>