

# **EXHIBIT E**

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 08-99000-lgb

4 Adv. Case No. 12-01698-lgb

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6 In the Matter of:

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8 ADMINISTRATIVE CASE RE: 08-1789 (SECURITIES INVESTOR

9 PROTECTION CORPORATION) ,

10 Debtor.

11 - - - - - x

12 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

13 MADOFF INVESTMENT SECURITIES LLC,

14 Plaintiff,

15 v.

16 BANQUE INTERNATIONALE A LUXEMBOURG S.A. et al.,

17 Defendants.

18 - - - - - x

19  
20 United States Bankruptcy Court

21 One Bowling Green

22 New York, NY 10004

23  
24 July 22, 2025

25 10:03 AM

1 B E F O R E :

2 HON LISA G. BECKERMAN

3 U.S. BANKRUPTCY JUDGE

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5 ECRO: K. BRAITHWAITE

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1 HEARING re Pre-Motion Discovery Conference

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25      Transcribed by:   Sonya Ledanski Hyde

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1       ALSO PRESENT:  
2       RICHARD A. CIRILLO  
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4       MARCELLA OLIVER  
5       MEGAN SAFINA

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P R O C E E D I N G S

THE COURT: Good morning. Court is now in session. I'm going to go ahead and call my cases. And when I call your case, I'll ask the attorneys to please put their appearances on the record. And then I'll also ask you to please identify yourself when speaking for the record.

Case Number 12-01698, Picard Trustee for Liquidation of Bernard L. Madoff v. Banque Internationale Luxembourg, SA. May I have appearances, please?

MR. CIANI: Tony, you're mute.

MR. CASAS: Sorry about that.

THE COURT: That's okay.

MR. CASAS: Antonio Casas from Windels Marx Lane & Mittendorf, on behalf of Plaintiff Irving Picard, Trustee for the substantive consolidated liquidation proceedings of Bernard L. Madoff Investment Securities, and the Chapter 7 Estate of Bernard L. Madoff.

THE COURT: Thank you.

MR. BUTLER: Good morning, Your Honor. I'm Jeff Butler from Clifford Chance for the Defendants Banque Internationale Luxembourg, and Banque International Luxembourg Switzerland. And with me today is my colleague, Sanaz Payandeh.

THE COURT: Good morning.

MR. CIANI: Good morning, Your Honor. My name is

1 Mark Ciani. I'm with Katten Muchin. I'm representing the  
2 three co-defendants, the RBC Investor Services defendants,  
3 today.

4 THE COURT: Thank you, Mr. Ciani. Any further  
5 appearances? All right. So, this was a pre-motion  
6 conference that was requested by Mr. Casas. I've read both  
7 of your letters. It's certainly -- there's a little bit of  
8 difference between the parties' perspectives on the delay.  
9 So, Mr. Casas and Mr. Butler, and Mr. Ciani, having read the  
10 letters, it certainly seems like, to the extent there's  
11 actually production going on, and can go on, and is going  
12 on, that that does need to complete and happen within some  
13 reasonable timeframe. And we have to discuss what's a  
14 reasonable timeframe, I think.

15 And then it seems like there were issues about  
16 whether there had been destruction of documents, and whether  
17 or not there were other reasons why, perhaps, the discovery  
18 hasn't occurred in accordance with the request. So, that I  
19 probably could use a little bit more of an understanding on  
20 myself, so, beyond what's in the letter perhaps.

21 MR. CASAS: (indiscernible) do that, Your Honor.  
22 So, the destruction has to do with the Fairfield related  
23 ESI. So, this, these, the transfers that the Trustee is  
24 seeking from, I'll call them the BIL Defendants --

25 THE COURT: Okay.

1 MR. CASAS: -- are from two Madoff feeder funds,  
2 Fairfield Century and Fairfield Limited. And early on in  
3 the process of discussing discovery with the BIL defendants,  
4 they admitted that they did not preserve any of their  
5 Fairfield-related ESI. So, there's no emails, essentially,  
6 or anything else that was electronically stored, that had  
7 anything to do with those Fairfield-related investments.

8 And that's important to note for two reasons, Your  
9 Honor. First, they're asserting a good faith defense. And  
10 specifically, they're alleging as part of, or at least they  
11 stated, that they intend to say, as part of that defense,  
12 that they acted in good faith, in part, because to the best  
13 of their knowledge, none of the communications with the  
14 Fairfield Funds or BLMIS, let them to suspect that Madoff  
15 was a fraud.

16 The second reason it's important to note that,  
17 particularly for this conference, Your Honor, is that the  
18 document discovery in this case will mostly, if not  
19 entirely, be limited to paper files. And we believe there  
20 should be no burden or proportionality issues, or at least  
21 any significant ones. So, that's really the context behind  
22 that, Your Honor. And the Trustee anticipates that at some  
23 point, once we have a better sense of what does exist, what  
24 was kept, that we'll be making a motion for spoliation. I  
25 mean, that's what we anticipate doing. But that's not what

1 we're here for today. That just adds context in terms of  
2 what we're dealing with --

3 THE COURT: It seems like there's timing issues,  
4 about getting the documents produced to you. And I think  
5 Mr. Butler's letter, you know, indicates that there's some  
6 reasons on their side why they say it's taking them a long  
7 time to do it. This -- Mr. Casas, I don't want you to take  
8 this in the wrong way -- but a lot of these cases seem to  
9 take a long time for the discovery process, so it doesn't  
10 seem completely surprising to me, having seen a number of  
11 these other adversary proceedings, that it could actually  
12 take someone a fair amount of time for discovery. And  
13 obviously, that can't prejudice your situation and your  
14 timing. And I think Mr. Butler acknowledges that in the  
15 letter that he sent, that it shouldn't prejudice your  
16 timing; which sort of leads me to believe that people have  
17 to work out a new schedule that takes into account some  
18 reasonable schedule for Mr. Butler's production, and then  
19 the time that you need on your side once you actually  
20 receive the production to do all the rest of the fact  
21 discovery that would be necessary to move forward in this  
22 case and that might otherwise be in conflict with the timing  
23 in the existing, you know, case management or, you know,  
24 plan. And I think that's the way I took Mr. Butler's  
25 letter. You know, maybe that's what the parties need to

1 work out here, because it does seem to me that there would -  
2 - he has raised some issues about why he needs some more  
3 time.

4 And again, in the context of -- not this  
5 particular adversary proceeding, but generally how long  
6 often these cases seem to take, it's not completely odd that  
7 there might be a request like that. I mean, I certainly  
8 have signed plenty of extensions of case management plans,  
9 where people just work things out for this. And so, I was  
10 not understanding why that was impossible here, but maybe I  
11 was missing something. Sorry.

12 MR. CASAS: Your Honor, if I may address that.  
13 So, there obviously is an issue here as to the lack of, or  
14 the failure to produced promised documents in a timely  
15 manner. And we touched upon that in our letter. And we  
16 appreciate the statements Mr. Butler made in his letter.  
17 But there are other concerns here that we have going  
18 forward, based upon what's happened in the past with our  
19 interactions with the BIL Defendants. Because there have  
20 been months at a time when they have ignored our  
21 communications.

22 And just to give you one example, Your Honor,  
23 they've listed a number of reasons why there was a delay in  
24 the production. And apart from one of those reasons, we  
25 hadn't heard any of those reasons before we sent this letter

1 to the, before we requested this conference with Your Honor.  
2 So, we're concerned about the lack of responsiveness. And  
3 we're concerned that, yes, I mean, we appreciate the offer.  
4 We'll obviously have to extend the fact discovery end date.  
5 And we'll have to work out a schedule. But we don't want to  
6 find ourselves in a situation where six months from now,  
7 we're back before Your Honor because we still don't have the  
8 documents that we've asked for.

9 And here, it's particularly troubling, Your Honor,  
10 because we're not really dealing with ESI, we're dealing  
11 with paper files. We really don't understand why it's  
12 taking so long.

13 The other thing, Your Honor, is it's not just  
14 concerns about the timely production. We also have concerns  
15 -- there are a fair number of documents that we believe  
16 they've agreed to search for and produce. But when we  
17 finally get them on the phone and we talk to them, it  
18 appears to us that they're pulling back on that. And I'll  
19 give Your Honor an example.

20 They have maintained at various points in our  
21 discussions regarding these, our discovery requests, that  
22 basically, anything that has to do with a non-Fairfield  
23 feeder fund, is irrelevant. Now, we've discussed that with  
24 them, and we thought we had agreement that that is not the  
25 case, because obviously, their knowledge, or their notice of

1 what was going on with Madoff and BLMIS and these feeder  
2 funds, is relevant regardless of the source. It goes  
3 directly to their good faith defense.

4 Similarly, Your Honor, at times, they've taken the  
5 position that nothing post fraud is relevant. When, for the  
6 same reason, obviously, you would think that it's certainly  
7 not a reasonable position to take, that anything that  
8 happens post fraud is simply not relevant. Because once the  
9 fraud is revealed, it would be reasonable to expect that  
10 there were communications, that there were questions about  
11 what happened, what went wrong. And those communications  
12 may reveal what the defendants knew back when they made the  
13 investments, back when they received these transcripts.

14 So, all of those things are relevant. And we  
15 have, we don't have confidence that -- I mean, we appreciate  
16 the efforts to work with us, to reach an agreement on a set  
17 of documents that they're willing to search for and produce.  
18 But then we get in these meet and confers with them, and it  
19 seems like they're pulling back.

20 And that includes a recent meet and confer we had  
21 in June, on June 10 of this year, right before we went the  
22 letter to Your Honor and requested this conference; where we  
23 thought -- to give you an example, Your Honor -- we thought  
24 we had an agreement with them that communications and  
25 documents relating to non-Madoff feeder funds were relevant,

1 for all the reasons I just stated. We thought we had  
2 agreement with them on that. And we then discussed,  
3 specifically discussed, on June 10, one of the categories or  
4 types of documents that we believe they had agreed to  
5 produce, which was communications with -- I'm sorry, Your  
6 Honor, and I'm just looking to make sure that I got the  
7 right...

8 One of the types of documents that they agreed to  
9 produce, at least from our understanding, was all existing  
10 internal and external communications concerning non-  
11 Fairfield Madoff feeder funds through June 30, 2009, despite  
12 the fact that we sought this info in our letters and meet  
13 and confers, continually for up to a year before. And what  
14 they did when we spoke with them on June 10, is they appear  
15 to focus on narrow examples of such communications, like  
16 board meeting minutes and communications with customers.  
17 It's our position that all such communications are relevant  
18 and should be searched for and produced.

19 So, as part of what we need form the BIL  
20 Defendants, Your Honor, is not only timely production of  
21 these documents that they've promised to give us, but also  
22 clarity from them as to what they're looking for and intend  
23 to produce. And on that, Your Honor, I just note two  
24 things: They appeared to rule out the use of search terms,  
25 so we have to basically handle this case, what I'll say is

1 the old fashioned way, the way we handled cases when I first  
2 became an attorney, which is you look through files and then  
3 produce -- you look through files that may reasonably have  
4 responsive documents, and then you copy the documents and  
5 you produced them. But here, there's no way for us to use  
6 search terms, which gives you a certain -- as a party  
7 requesting documents, gives you a certain level of  
8 confidence that the other side is going to search for and  
9 produce the relevant material.

10 So, no ability to really use search terms  
11 according to them. It's not clear whether there is some ESI  
12 that has been produced, but we really haven't discussed  
13 search terms with them, because they appear to have ruled  
14 them out, basically saying to us, we really can't run search  
15 terms, really doesn't make sense here. Because we really  
16 are just dealing with paper files.

17 Accepting that, the other reason why we have some  
18 concerns, Your Honor, is that apart from one letter they  
19 sent us, back in December, they haven't put any agreements  
20 to produce, look for and produce documents in writing. So,  
21 one of the things that we would want is for them to commit  
22 to put in writing what they have agreed to look for and  
23 produce, so that we have some clarity on what we can expect  
24 to see, and we have some level of confidence that they are  
25 searching for and producing the relevant material.

1           Lastly, Your Honor, it isn't true that, as the BIL  
2 Defendants suggest in their letter that they have a -- there  
3 is no, that there is complete agreement on the documents  
4 that are going to be produced in this case. That is not the  
5 case, Your Honor, far from it. We've negotiated with them  
6 on certain documents, and they've agreed to produce them  
7 and, subject to clarity, we have agreed to review those  
8 documents.

9           But, for example, there are certain documents that  
10 they have not agreed to produce. As part of the BIL -- not  
11 the BIL Defendants, but BIL's response to the BLMIS  
12 liquidation, was to preserve certain documents. They didn't  
13 preserve the Fairfield related documents, but they did  
14 preserve other documents related to other investments and  
15 other lending activities they had, based upon the exposure  
16 they could have to the BLMIS liquidation. And these are  
17 files that they called the Task Force Files. So, when they  
18 learned of the BLMIS liquidation, they collected these files  
19 and they preserved them in anticipation that there would be  
20 some sort of fallout from the fraud.

21           It's essentially what they should have done for  
22 their Fairfield Investments, but they didn't do. So, as to  
23 those files, even that we know that they've destroyed the  
24 Fairfield related ESI, it's important for us to know what  
25 they did preserve, what they do have left. And we know from

1 the testimony of their corporate representative, Mr. Dewitt  
2 in the Chapter 15 cases, that they did preserve these Task  
3 Force Files. And we've asked for very basic information  
4 about these files, including the types of documents that are  
5 in there, the volume, whether there's anything that can be  
6 searched via electronic means. And we've asked for that  
7 repeatedly and we've never gotten an answer from them on  
8 that.

9 We've also never, we also asked them, Your Honor,  
10 to identify any documents that they've already produced to  
11 us, or that they intend to produce to us out of those task  
12 force files, and they haven't done that either. And there  
13 are a couple of other types of documents, Your Honor, that  
14 they have not yet agreed to produce, although they are  
15 apparently still contemplating whether they are going to  
16 produce them. They include documents concerning discussions  
17 between BIL and its regulator regarding its lending exposure  
18 to any Madoff feeder fund. And the BIL Defendants'  
19 communications with insurance providers concerning non-  
20 Fairfield Madoff feeder funds; documents that we contend  
21 that are relevant and should be produced, and they have not  
22 committed to produce them as of yet.

23 So, Your Honor, yes, we have a problem with their  
24 timely production of documents, because however you look at  
25 it, it has not been timely. And given that it's not a lot

1 of documents, we don't understand why it's been taking so  
2 long. And we certainly don't understand the months' long  
3 periods where they simply don't respond to us. And for that  
4 reason, we'd need certain commitments from them. I mean,  
5 this really isn't just about pushing a fact discovery date  
6 off, and then we have time to do what we need to do. We  
7 have real concerns that that's not going to work absent some  
8 real commitments on their behalf, that they -- to address  
9 the failures to produce documents in a timely manner, the  
10 lack of clarity on agreed productions, the refusal to  
11 produce other documents and communications, and the lack of  
12 responsiveness in the past.

13 That's what we need from them, Your Honor, so that  
14 we don't find ourselves back in the same position we're in  
15 now, six months from now.

16 THE COURT: All right. Thank you. Mr. Butler?

17 MR. BUTLER: Yeah, Your Honor, may I briefly  
18 respond?

19 THE COURT: Yes, you may.

20 MR. BUTLER: I won't cover every single issue.  
21 You know, I'm glad that Mr. Casas had the opportunity to get  
22 all those issues off his chest. They have all been  
23 discussed in meet and confers. And I will say, while we may  
24 not have been models of responsiveness in every case, we  
25 have regularly met and conferred with the Trustee's counsel.

1 Those meet and confers have been extremely cordial. Mr.  
2 Casas, in particular, has been extremely cordial through  
3 that process. And all these issues have been discussed.  
4 And I have tried to be clear, although I admit I haven't  
5 committed it to paper with bullet points, what categories of  
6 documents --

7 THE COURT: You might need to do that.

8 MR. BUTLER: I might need to do that. I'm willing  
9 to do that. What categories we've agreed to produce -- I  
10 mean, they dynamic has been, you know, the Trustee wants  
11 everything. And we say we don't want to give you  
12 everything, we will give you these things, you know. And  
13 they say, good, give us those things, and we want everything  
14 else. So, there hasn't been -- and I didn't mean to suggest  
15 that we've reached agreement on everything. I only meant to  
16 convey in my letter that there's no specific issue that  
17 we've reached an impasse on yet, that Mr. Casas is bringing  
18 to the Court for resolution. And that may well happen,  
19 because I think there are going to be some --

20 THE COURT: I think, in fairness, Mr. Butler, what  
21 Mr. Casas is saying is now he needs a piece of paper that  
22 actually tells him you're going to do this, you're not going  
23 to do that, you're going to do this, you're not going to do  
24 that, this is how far we're going to go on this category; we  
25 gave you this, we haven't given you that, we're not going to

1 give you that. So, that when he sees that piece of paper,  
2 he then can figure out -- you can have a discussion about  
3 it. If you can't resolve it, then there's a process for  
4 dealing with that.

5 MR. BUTLER: Correct, yes.

6 THE COURT: And I think that's what he's saying at  
7 this point, in addition to more time, which clearly needs to  
8 happen because you need more time, he's going to need more  
9 time, more time will have to happen. But rather than just  
10 doing more time, we need to see that, at least if there is a  
11 problem, and a disagreement, that it is clearly enunciated  
12 and spelled out, so that people are clear of what they're  
13 understanding, and that then, if there's a problem, there is  
14 a process for dealing with that. You know, obviously, we  
15 have me and a discovery master. So, there's, you know,  
16 there's lots of processes for (indiscernible).

17 So, I guess I understand that. I think you're  
18 going to need to do that. Definitely put it down on paper,  
19 because I think that in addition to more time, that's what  
20 it is. I don't know what else you want to tell me about why  
21 more time is needed.

22 MR. BUTLER: Yeah. Certainly, we will commit to  
23 putting on a piece of paper, or sending a letter to Mr.  
24 Casas. I will send it, identifying what we've agreed to  
25 produce, what we're working to produce now, and what we

1 think we have not agreed to produce, based on the requests  
2 that they've made so far, because we haven't agreed to  
3 produce absolutely everything.

4 I do want to emphasize, in response to one of his  
5 comments, we do have this foliation issue. It was an issue  
6 in the Fairfield case, and we were sanctioned for it in that  
7 case. I am sure it's going to be an issue in this case,  
8 because there's no factual dispute that email from that,  
9 from the relevant time period - we're talking about 2003 to  
10 2008 -- has been lost at both of the banks I represent. But  
11 I want to emphasize that doesn't mean that all emails have  
12 been lost, because part of the reason there was --

13 THE COURT: That has to be in your letter too, I  
14 think.

15 MR. BUTLER: Okay, well, fine. I won't make the  
16 argument here, Your Honor. I'm sure we'll get the  
17 opportunity to make that argument later.

18 In terms of the timing, again, I apologize. I'm  
19 not happy with the amount of time that this has taken. I'm  
20 not happy with the fact that I've been a poor predictor of  
21 how long things are going to take in this case. But I do  
22 think we're reaching the end of the production of things  
23 we've agreed to produce. It's not -- there are actually --  
24 you know, because there are only a few transactions at issue  
25 in this case, and because they were relatively routine

1 transactions at the time, most of the documents that are  
2 directly relevant to the redemption payments at issue have  
3 already been produced. We're working mainly on collateral  
4 categories of documents, which actually are kind of  
5 voluminous and, therefore, take a lot of time to process and  
6 to check for client confidential information.

7 But that's all I want to say. I'm not here to  
8 justify the delay. It has taken a lot longer than expected.  
9 I think we have got the processes ramped up now to get this  
10 finished, and we are highly motivated to complete our  
11 document production and possibly to not see you again on  
12 these issues. And that's really all that I have to say.

13 THE COURT: Understood. And look, it's probably  
14 interesting for the younger lawyers who never had to spend  
15 their days in rat-infested warehouses like maybe all of us  
16 did in our earlier days. So, they're probably, it's  
17 probably a new experience of them, so I understand that may  
18 not have the same skill set that we all had in those days  
19 dealing with it, because that was what we did as part of our  
20 lives.

21 But anyway, so, Mr. Butler, I think realistically,  
22 today is July 22. I think I am going to give you four weeks  
23 for you to go ahead and send that letter to Mr. Casas. It  
24 seems like you should be able to put all that together and  
25 write it in the letter in four weeks. I don't think that's

1 unreasonable.

2 MR. BUTLER: No.

3 THE COURT: Mr. Casas --

4 MR. CASAS: Yes, Your Honor.

5 THE COURT: After you see the letter, it seems to  
6 me then you all should have an meet and confer and discuss  
7 it and see if you can resolve. And if you can't resolve  
8 things, then you can put down in a communication what your  
9 problems are that aren't resolved yet, and then we could  
10 obviously move forward at that point. That seems to me the  
11 way that we should proceed on that.

12 With respect to the deadline, which is obviously  
13 now September 29, that's obviously not going to be a  
14 workable deadline. So, Mr. Butler, I have to ask you,  
15 because obviously, this has to do with your understanding,  
16 and I understand you're not a great predictor of when you're  
17 going to be finished with your process; but, assuming that  
18 Mr. Casas had no problem with what you're actually agreeing  
19 to produce, which I highly doubt is the answer,  
20 nevertheless, and you produced it, you could just produce it  
21 all and that would be the end of it, what timeframe would  
22 you be talking about?

23 MR. BUTLER: I think, Your Honor, realistically,  
24 we're looking at 60 to 90 days. And part of that is the  
25 August vacation challenge, which is a particular challenge

1 for European clients. But honestly, we are reaching the end  
2 of the road. I mean, Mr. Casas is not aware -- of course,  
3 he's only seen the end product and he's not satisfied with  
4 what he's got, but there is huge volumes of stuff that is  
5 sort of bursting at the seams and ready, you know, close to  
6 being ready to go out. So, I think we're going to see much  
7 larger volumes of production --

8 THE COURT: Okay. I'm going to go with your 60 to  
9 90 days.

10 MR. BUTLER: Okay.

11 THE COURT: So, we're talking about like late  
12 October with the 90 days, Mr. Casas. Again, I'm assuming,  
13 for this purpose, that you're not going to be happy with Mr.  
14 Butler's letter. There's going to be things you have to  
15 work out. You might have to come back to me. And  
16 furthermore, you still have to do your process once you get  
17 the documents by the end of October. So, what date are you  
18 talking about that you would need?

19 MR. CASAS: Also, Your Honor, we also -- and Mr.  
20 Ciani is on the call, he represents RBC -- we're also  
21 involved in a mediation with Mr. Ciani, or we're about to  
22 enter into mediation with Mr. Ciani. So, we need more time  
23 for other reasons as well.

24 THE COURT: Understood. That's why I was asking  
25 you what you think (indiscernible) --

1 MR. CASAS: We think, at this point -- we don't  
2 want to put it off too long, Your Honor. So, we're talking  
3 about an extension with Mr. Ciani, at the moment. We've  
4 proposed, I believe it's six months. And we think that's  
5 workable. And we would hope that we could get the mediation  
6 done during that time and that we could work out any  
7 remaining issues with Mr. Butler during that time as well.

8 THE COURT: Okay. That doesn't sound unreasonable  
9 to me either. So, because that would take you to,  
10 basically, the end of March. Okay. Well, it seems like  
11 what needs to happen, Mr. Butler, is you're going to write  
12 that letter within four weeks. Mr. Casas, you're going to  
13 have a meet and confer. And then Mr. Casas is going to  
14 respond in writing after your meet and confer, but not  
15 before, so that you call can sit down and then elucidate  
16 what his problems are, which he'll have already talked to  
17 you about, no doubt. And then, if you can't resolve things  
18 we'll, you know, you'll be back to somebody -- that's the  
19 answer, presumably. And this will count as the pre-motion,  
20 you know, conference, because we've already had that now,  
21 from my perspective. There's not going to be a requirement  
22 of that. You can go straight to motion at that point, Mr.  
23 Butler, and Mr. Casas, as necessary.

24 And it seems like you need to send a, workout at  
25 case management scheduled, which I don't think what Mr.

1 Casas proposed seems unreasonable to me. But given the  
2 circumstances, that he's not getting any documents probably,  
3 maybe till the end of October and there's still other things  
4 to work forward with, and also Mr. Ciani in mediation. So,  
5 that doesn't seem like a crazy timeframe to me either.

6 All right. Is there anything else that we need to  
7 discuss today about this case?

8 MR. CASAS: No, Your Honor. I would just mention  
9 one thing. I've had a discussion with Mr. Butler about  
10 this, and we'll continue to discuss it. I don't know if  
11 it's necessary for me to bring it up here, but we also  
12 mentioned in our letter that we would request that the, Mr.  
13 Dewitt's deposition from the Chapter 15 case be treated as  
14 if taken here. And so, I'm waiting to hear back from Mr.  
15 Butler on that.

16 THE COURT: All right.

17 MR. CASAS: But absent a stipulation, that's  
18 something we would want to bring up at some point with the  
19 Court.

20 THE COURT: Okay. I understand.

21 MR. BUTLER: And Your Honor, we did speak about  
22 that last week and I believe it will not be a problem, which  
23 I've communicated to Mr. Casas. I'm just waiting for final  
24 confirmation from my client, but Mr. Dewitt who is the  
25 deposition subject, certainly doesn't -- although he enjoyed

1 his deposition, he is not eager to have a second one  
2 (indiscernible) --

3 THE COURT: Which would be the alternative, so it  
4 does seem to make more sense.

5 MR. BUTLER: Exactly.

6 THE COURT: Understood. For everybody. And less  
7 time, money, effort, preparation, all of the above.  
8 Understood.

9 MR. BUTLER: All those reasons, Your Honor.

10 THE COURT: Makes sense. Mr. Ciani, I didn't know  
11 if there's anything else you wanted to add today?

12 MR. CIANI: No, nothing from me, Your Honor, thank  
13 you.

14 THE COURT: Okay. All right. Well, I guess I  
15 will just suggest that you go off and work on that. I'll  
16 look forward to getting a case management plan amendment to  
17 add. And I guess we'll see you after you've had the  
18 opportunity to have correspondence back and forth, and the  
19 meet and confer in between; whether there's a need to do  
20 something else by filing a motion, which I've authorized you  
21 to do if there is.

22 MR. BUTLER: Thank you, Your Honor.

23 MR. CASAS: Thank you very much.

24 THE COURT: Thank you all for coming in today. I  
25 wish you a good rest of day and I'm going to go onto call my

1 next case and you all may be excused.

2 MR. CIANI: Thank you, Your Honor.

3 MR. BUTLER: Thanks again, Your Honor.

4 (Whereupon these proceedings were concluded at  
5 10:48 AM)

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing

record of the proceedings.

*Sonya M. Ledanski Hyde*

Sonya Ledanski Hyde

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Date: July 24, 2025