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# MEMO ENDORSED

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## HAND DELIVERY

Richard M. Berman  
United States District Judge  
Southern District of New York  
40 Centre Street, Courtroom 706  
New York, NY 10007

Re: April 26 Status Conference in *In Re Herald, Primeo and Thema Funds Securities Litigation*, No. 1:09-cv-00289-RMB-HBP

Dear Judge Berman:

This office represents the Trustee in the case captioned *SIPC v. Bernard L. Madoff Investment Securities LLC*, Adv. Pro. No. 08-01789 (BRL) currently proceeding before Judge Lifland in the Bankruptcy Court of the Southern District of New York.

We have been provided with Your Honor's Order scheduling a status conference in the above-captioned matter for April 26, 2011. Although the Trustee has not appeared—and does not intend to appear—in that action, he has previously filed a Notice of Pendency of Bankruptcy Proceedings of Bernard L. Madoff and of Automatic Stay (docket number 58) in this matter on July 28, 2009.

We are willing to come to the April 26, 2011 conference to the extent that our presence can be helpful or is otherwise desired by Your Honor.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,

Oren Warshavsky

Oren J. Warshavsky

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cc:

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Whether or not the  
Trustee appears is entirely  
up to the Trustee.

SO ORDERED:  
Date: 4/21/11

*Richard M. Berman*  
Richard M. Berman, U.S.D.J.