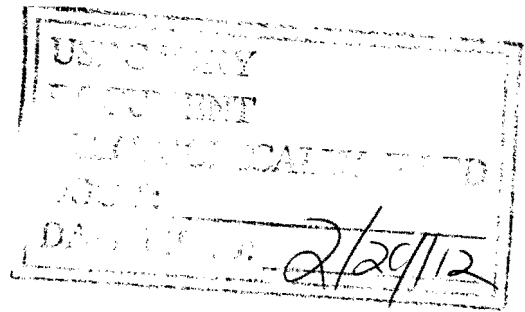


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
IRVING H. PICARD,

Plaintiff,

-v-

SAUL B. KATZ et al.,

Defendants.
----- X

11 Civ. 3605 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Days after the parties' summary judgment motions (including many thousands of pages) were fully submitted, the Trustee, in a joint telephonic conference with the parties and Chambers on February 28, 2012, requested permission to submit out-of-time evidence and supplemental briefing on his claims to avoid subsequent transfers. The Trustee had all such evidence at the time of oral argument, if not earlier, yet made no such application at that time. Moreover, the Court already had indicated that it was undertaking to consider and rule on the parties' motions on an expedited basis, in order to resolve them by March 5, in light of the firm and fixed trial date of March 19, 2012. Given these circumstances, the Trustee's application is not only patently untimely but would, if granted, cause prejudicial delay, not only to defendants, but also to the Court. Accordingly, the Trustee's application is denied.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
February 28, 2012