

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>In re:</p> <p>BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Debtor,</p>	<p>Adv. Pro. No. 08-01789 (BRL)</p> <p>SIPA LIQUIDATION (Substantively Consolidated)</p>
<p>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. SAUL B. KATZ, et al., Defendants.</p>	<p>Adv. Pro. No. 10-5287 (BRL)</p> <p>11-cv-03605-JSR</p>

**NOTICE OF TRUSTEE’S MOTION NO. 2 TO EXCLUDE ALL EVIDENCE AND
ARGUMENTS RELATING TO THE INACTION AND/OR FAILURES OF THE
UNITED STATES SECURITIES AND EXCHANGE COMMISSION**

PLEASE TAKE NOTICE that Plaintiff Irving H. Picard (“Trustee”), as Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa *et seq.*, and the substantively consolidated estate of Bernard L. Madoff (“Madoff”) individually, by and through the Trustee’s counsel, Baker & Hostetler LLP, will hereby move this Court, before the Honorable Jed. S. Rakoff, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY, at 9:00 a.m. on March 19, 2012 for an Order excluding all evidence and arguments relating to the inactions and/or failures of the United States Securities and Exchange Commission in the above-captioned matter, pursuant to Rules 401, 402 and 403 of the Federal Rules of Evidence.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's individual rules of practice, the Trustee's moving papers were served on March 5, 2012, and shall be filed on March 12, 2012 and answering papers shall be served and filed on March 12, 2012. The first day of trial is currently scheduled for March 19, 2012 at 9:00 a.m. as directed by the Court.

Date: March 12, 2012
New York, New York

By: /s/ David J. Sheehan

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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff*