

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

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

**DECLARATION OF DAVID J. SHEEHAN IN SUPPORT OF THE TRUSTEE'S
MOTION IN LIMINE NO. 2 TO EXCLUDE ALL EVIDENCE AND ARGUMENTS
RELATING TO THE INACTION AND/OR FAILURES OF THE UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**

I, DAVID J. SHEEHAN, declare pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am an attorney with the firm Baker & Hostetler LLP, counsel to Irving H. Picard, Esq. (“Trustee”), the trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and Bernard L. Madoff (“Madoff”). I submit this declaration in support of the Trustee’s Motion in Limine No. 2 to Exclude All Evidence and Arguments Relating to the Inaction and/or Failures of the United States Securities and Exchange Commission pursuant to Federal Rules of Evidence 402 and 403. I am personally familiar with the facts set forth herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the deposition testimony of Saul Katz, dated January 13, 2012.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the deposition testimony of Fred Wilpon, dated January 10, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 5, 2012
New York, New York

s/ David J. Sheehan
David J. Sheehan