

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Irving H. Picard v. Saul B. Katz et al

Doc. 153

IRVING H. PICARD,

Plaintiff,

- against -

SAUL B. KATZ, et al.,

Defendants.

11-CV-03605 (JSR)(HBP)

**DECLARATION OF DANA M. SESENS IN SUPPORT OF
DEFENDANTS' MOTIONS IN LIMINE**

I, Dana M. Seshens, declare, pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am a partner with the firm of Davis Polk & Wardwell LLP, attorneys for Defendants. I submit this declaration in support of Defendants' motions *in limine*.
2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the deposition of David Katz, dated December 28, 2011.
3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the deposition of Saul B. Katz, dated January 13, 2012.
4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the deposition of Fred Wilpon, dated January 10, 2012.
5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the deposition of Kevin Barcelona, dated December 15, 2011.

6. Attached hereto as Exhibit E is a true and correct copy of a press release issued by Irving H. Picard, dated May 19, 2011.

7. Attached hereto as Exhibit F is a true and correct copy of the Limited Partnership Agreement of Stamos Partners Capital Management, L.P.

8. Attached hereto as Exhibit G is a true and correct copy of the First Amended and Restated Limited Liability Company Agreement of Stamos Partners Capital Management GP, LLC.

9. Attached hereto as Exhibit H is a true and correct copy of the Limited Liability Company Agreement of Sterling Partners Associates, LLC.

10. Attached hereto as Exhibit I is a true and correct copy of excerpts from the deposition of Kevin Okimoto, dated January 6, 2012.

11. Attached hereto as Exhibit J is a true and correct copy of excerpts from the Bankruptcy Rule 2004 deposition of Ashok Chachra, dated October 8, 2010.

12. Attached hereto as Exhibit K is a true and correct copy of excerpts from the deposition of Peter Stamos, dated January 5, 2012.

13. Attached hereto as Exhibit L is a true and correct copy of excerpts from the Bankruptcy Rule 2004 deposition of Peter Stamos, dated August 19, 2010.

14. Attached hereto as Exhibit M is a true and correct copy of excerpts from the deposition of Christopher Stamos, dated January 4, 2012.

15. Attached hereto as Exhibit N is a true and correct copy of excerpts from the deposition of Basil Stamos, dated January 3, 2012.

16. Attached hereto as Exhibit O is a true and correct copy of an article entitled *Wilpon Defends Honor, Will Not Make Deal That Sullies Reputation*, N.Y. Daily News, dated May 22, 2011.

17. Attached hereto as Exhibit P is a true and correct copy of excerpts from the deposition of Bruce G. Dubinsky, dated January 11, 2012.

Dated: New York, New York
March 5, 2012

s/ Dana M. Seshens
Dana M. Seshens