

EXHIBIT A

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C O N F I D E N T I A L
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
11-CV-03605 (JSR) (HBP)

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IRVING H. PICARD, Trustee for
the Liquidation of Bernard L.
Madoff Investment Securities LLC,

Plaintiff,

v.

SAUL B. KATZ, et al.,

Defendants.

Videotaped
Deposition of:

DAVID M. KATZ

-----x

TRANSCRIPT of testimony as taken by and before
NANCY C. BENDISH, Certified Court Reporter, RMR, CRR
and Notary Public of the States of New York and New
Jersey, at the offices of Baker & Hostetler, 45
Rockefeller Plaza, New York, New York on Wednesday,
December 28, 2011, commencing at 9:32 a.m.

1 specific BPS or whatever they are that were charged
2 for the fund, or funds, plural.

3 Q. You don't recall whether you provided
4 any commentary into this?

5 A. Not that I recall, no.

6 Q. You see at the bottom there Stamos
7 writes "thoughts," question mark?

8 A. Um-hum.

9 Q. Do you recall if Mr. Stamos ever
10 asked you on another -- any other occasion your
11 opinion as to what fee discounts to offer to
12 investors?

13 A. I do not recall.

14 Q. Did you help in any way with respect
15 to Sterling Stamos' marketing materials?

16 A. Marketing?

17 Q. Yeah.

18 A. Like what; like brochures and stuff?

19 Q. Yeah. Presentations or whatnot.

20 A. No.

21 Q. Did you ever review any presentations
22 or brochures?

23 A. For, like, mistakes, or any --

24 Q. For any reason whatsoever.

25 A. No. No.

1 Q. Do you know if anyone from Sterling
2 was involved in helping to draft or in reviewing
3 Sterling Stamos marketing materials?

4 A. No.

5 Q. Do you know if Sterling Stamos used
6 marketing materials in soliciting investors?

7 A. I actually don't. I don't recall
8 seeing anything, but I am pretty -- have a vague
9 memory that they did, but I don't remember seeing
10 what it -- what it looks like.

11 Q. And do you recall having any
12 discussions with anyone at Stamos as to the content
13 of those materials?

14 A. No.

15 Q. What about the website; did you help
16 in any way in terms of setting up the website,
17 Sterling Stamos website?

18 A. I thought I said I didn't even know
19 there was a website.

20 Q. You don't recall there being a
21 website for Sterling Stamos?

22 A. No. No.

23 MR. BOHORQUEZ: Mark that as 168.

24 (Exhibit Trustee 168, Email
25 w/attachment, Bates SE_T680323-24, marked for

1 record. The time is 5:45. This is the beginning of
2 tape 7.

3 BY MR. BOHORQUEZ:

4 Q. All right. That's Trustee 187, which
5 is Bates SE_T954272 through 314. It's a document
6 that was produced from your hard copy files
7 yesterday by your counsel. I just have a couple of
8 quick questions about the document.

9 It's titled "Sterling Stamos Company
10 Overview, Discussion with Merrill Lynch, February
11 2004, Confidential Presentation." Do you see that?

12 A. Yup.

13 Q. Do you know if this was in connection
14 with Merrill Lynch becoming a distribution agent for
15 Sterling Stamos?

16 A. I believe so.

17 Q. Was there a meeting with Merrill
18 Lynch that this was presented at?

19 A. I remember Peter gave a -- I think I
20 might have been asked this -- Peter gave a speech to
21 a bunch of -- I don't know if you call them
22 salespeople, but they were basically the top, you
23 know, X amount of salespeople at Merrill Lynch.
24 Asset managers. I think this probably was before
25 that -- that meeting. I don't think he used this at

1 that meeting, but I could be wrong.

2 Q. Okay. And do you know -- do you know
3 who prepared this document?

4 A. No.

5 Q. Were you involved at all in the
6 preparation of this document?

7 A. This document? No.

8 Q. And did you review it at any time
9 before it was provided to Merrill Lynch?

10 A. Probably not.

11 Q. Okay. Now, if you could turn to --
12 oh, last question. This came from your hard copy
13 files.

14 A. Right.

15 Q. Do you have -- why was it kept in
16 your hard copy files? Why did you put it in there?

17 A. I have no idea.

18 Q. All right. If you can turn to --
19 because -- because of the page numbers like this,
20 I'm going to refer to the page numbers at the
21 bottom.

22 A. Yeah.

23 Q. I think it's just going to be easier.

24 A. Yup.

25 Q. Can you turn to page 8.