

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

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor,

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

Plaintiff,

v.

SAUL B. KATZ, et al.,

Defendants.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05287 (BRL)

11 Civ. 03605 (JSR) (HBP)

**DECLARATION OF DAVID J. SHEEHAN IN SUPPORT OF THE TRUSTEE'S
MEMORANDUM OF LAW IN SUPPORT OF MOTION IN LIMINE NO. 3 TO
EXCLUDE TESTIMONY FROM ROBERT MORGENTHAU, SANDY KOUFAX,
MICHAEL DOWLING AND ROBERT ROSENTHAL**

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 Memorandum of Law in Support of Motion in Limine No. 3 to Exclude Testimony from Robert Morgenthau, Sandy Koufax, Michael Dowling and Robert Rosenthal pursuant to Federal Rules of Evidence 401, 403, 404 and 701. I am personally familiar with the facts set forth therein.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Defendants’ Supplemental Disclosures, dated December 15, 2011.

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