UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: BERNARD L. MADOFF, Debtor.	Adv. Pro. No. 08-01789 (BRL) SIPA LIQUIDATION (Substantively Consolidated)

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. 10-5287 (BRL)
	
	Case No. 11-Civ-03605 (JSR)

DECLARATION OF DAVID J. SHEEHAN IN SUPPORT OF THE TRUSTEE'S MEMORANDUM IN SUPPORT OF MOTION IN LIMINE NO. 4 TO EXCLUDE ALL EVIDENCE AND ARGUMENTS RELATING TO THE BLMIS-MERRILL LYNCH <u>TECHNOLOGY PARTNERSHIP</u>

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 the Motion in Limine No. 4 to Exclude All Evidence and Arguments Relating to Technology Venture pursuant to Federal Rules of Evidence 401, 402, 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 Kevin Dunleavy, dated December 21, 2011.

3.   Attached hereto as Exhibit 2 is a true and correct copy of a *New York Times* article entitled "3 Firms Plan to Develop New System For Trading," dated June 8, 1999.

4.   Attached hereto as Exhibit 3 is a true and correct copy of a *PR Newswire* article entitled "NASDAQ and Primex Announce End of Exclusive Rights Agreement," dated December 31, 2003.

5.   Attached hereto as Exhibit 4 is a true and correct copy of an article entitled "Primex Presents NYSE Challenge The Kinks Aside, Nasdaq Has New Weapon, Traders," dated March 1, 2002.

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

Dated: March 5, 2012   *s/ David J. Sheehan*
      New York, New York   David J. Sheehan