

**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. 10-5287 (BRL)

11-cv-03605-JSR

**DECLARATION OF REGINA GRIFFIN IN SUPPORT OF THE TRUSTEE'S MOTION
IN LIMINE TO DEEM STATEMENTS BY CERTAIN STERLING STAMOS
EMPLOYEES AS ADMISSIONS OF THE STERLING PARTNERS**

I, REGINA L. GRIFFIN, 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., the trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff. I submit this declaration in support of the Trustee’s Motion *In Limine* To Deem Statements By Certain Sterling Stamos Employees As Admissions Of The Sterling Partners pursuant to Federal Rule of Evidence 801(d)(2)(D). I am personally familiar with the facts set forth herein.

2. Attached hereto as Exhibit 1 are true and correct copies of excerpts from the deposition testimony of Kevin Barcelona, dated December 15, 2011.

3. Attached hereto as Exhibit 2 is a true and correct copy of a document bearing bates numbers SE_T567509; SE_T567540-41.

4. Attached hereto as Exhibit 3 are true and correct copies of excerpts from the Bankruptcy Rule 2004 deposition testimony of Ashok Chachra, dated October 8, 2010.

5. Attached hereto as Exhibit 4 are true and correct copies of excerpts from the deposition testimony of Kevin Dunleavy, dated December 21, 2011.

6. Attached hereto as Exhibit 5 are true and correct copies of excerpts from the Bankruptcy Rule 2004 deposition testimony of David Katz, dated August 31, 2010.

7. Attached hereto as Exhibit 6 are true and correct copies of excerpts from the Bankruptcy Rule 2004 deposition testimony of Saul Katz, dated August 4, 2010.

8. Attached hereto as Exhibit 7 are true and correct copies of excerpts from the deposition testimony of Saul Katz, dated January 13, 2012.

9. Attached hereto as Exhibit 8 are true and correct copies of excerpts from the deposition testimony of Kevin Okimoto, dated January 6, 2012.

10. Attached hereto as Exhibit 9 are true and correct copies of excerpts from the deposition testimony of Basil Stamos, dated January 3, 2012.

11. Attached hereto as Exhibit 10 are true and correct copies of excerpts from the deposition testimony of Chris Stamos, dated January 4, 2012.

12. Attached hereto as Exhibit 11 are true and correct copies of excerpts from the Bankruptcy Rule 2004 deposition testimony of Peter Stamos, dated August, 19, 2010.

13. Attached hereto as Exhibit 12 are true and correct copies of excerpts from the deposition testimony of Peter Stamos, dated January 5, 2012.

14. Attached hereto as Exhibit 13 is a true and correct copy of the Limited Partnership Agreement of Stamos Partners Capital Management, LP, dated as of June 15, 2002. (SE_T751849-SE_T751877.)

15. Attached hereto as Exhibit 14 is a true and correct copy of the First Amended and Restated Limited Partnership Agreement of Stamos Partners Capital Management, LP, dated as of December 31, 2003. (SSKW00019536-80.)

16. Attached hereto as Exhibit 15 is a true and correct copy of the Third Amended and Restated Limited Partnership Agreement of Sterling Stamos Capital Management, LP, effective as of July 1, 2007. (SSMT02406282-353.)

17. Attached hereto as Exhibit 16 is a true and correct copy of DeMarche Associates Inc. Hedge Fund Manager Questionnaire, dated February 1, 2005. (SSMT00184406-31.)

18. Attached hereto as Exhibit 17 are true and correct copies of excerpts from Sterling Partners Board Meeting Agenda and Minutes, dated March 26, 2007 and April 16, 2007. (SE_T668814-SE_T668817.)

19. Attached hereto as Exhibit 18 are true and correct copies of excerpts from Sterling Partners Board Meeting Agenda and Minutes, dated October 8, 2007 and September 24, 2007. (SE_T668907-SE_T668911.)

20. Attached hereto as Exhibit 19 are true and correct copies of excerpts from Sterling Partners Board Meeting Agenda and Minutes, dated September 10, 2007 and August 27, 2007. (SE_T668878-SE_T668883.)

21. Attached hereto as Exhibit 20 are true and correct copies of excerpts from Sterling Stamos Meeting Minutes, dated April 9, 2008. (SSMT02285581-87.)

22. Attached hereto as Exhibit 21 is a true and correct copy of a document bearing bates numbers SSMT02404833-39.

23. Attached hereto as Exhibit 22 is a true and correct copy of a document bearing bates numbers SSMT00934925-31. (P. Stamos Dep. Ex 5.)

24. Attached hereto as Exhibit 23 is a true and correct copy of a document bearing bates numbers SSMT00014472-78. (P. Stamos Dep. Ex. 9.)

25. Attached hereto as Exhibit 24 is a true and correct copy of an email from Peter Stamos, dated February 13, 2003. (SENH00000077-78.)

26. Attached hereto as Exhibit 25 is a true and correct copy of Sterling Stamos Capital Management, L.P. Firm Overview, Confidential Presentation, dated July 2005. (Trustee's Dep. Ex. 110, SSMT01876757-88.)

27. Attached hereto as Exhibit 26 is a true and correct copy of Sterling Stamos Company Overview, Confidential Presentation, dated February 2005. (Trustee's Dep. Ex 111, SSMT00025935-SSMT00026059.)

28. Attached hereto as Exhibit 27 is a true and correct copy of a document bearing bates numbers SSMT00037045-116. (Trustee's Dep. Ex. 116.)

29. Attached hereto as Exhibit 28 is a true and correct copy of a document bearing bates numbers SE_T680416-79. (Trustee's Dep. Ex. 118.)

30. Attached hereto as Exhibit 29 is a true and correct copy of a document bearing bates number SSMT00906963. (Trustee's Dep. Ex. 227.)

31. Attached hereto as Exhibit 30 is a true and correct copy of document bearing bates number SSMT00847959. (Trustee's Dep. Ex. 233.)

32. Attached hereto as Exhibit 31 is a true and correct copy of a document bearing bates number SSMT01195993. (Trustee's Dep. Ex. 243.)

33. Attached hereto as Exhibit 32 is a true and correct copy of a document bearing bates numbers SSMT01244719-23. (Trustee's Dep. Ex. 244.)

34. Attached hereto as Exhibit 33 is a true and correct copy of a document bearing bates numbers SSMT01238214-66. (Trustee's Dep. Ex. 258.)

35. Attached hereto as Exhibit 34 is a true and correct copy of a document bearing bates numbers SSMT02257869-91. (Trustee's Dep. Ex. 266.)

36. Attached hereto as Exhibit 35 is a true and correct copy of a document bearing bates numbers SSMT02407171-73. (Trustee's Dep. Ex. 268.)

37. Attached hereto as Exhibit 36 is a true and correct copy of a document bearing bates numbers SSMT02407283-91. (Trustee's Dep. Ex. 269.)

38. Attached hereto as Exhibit 37 is a true and correct copy of a document bearing bates numbers SSMT01272553-56. (Trustee's Dep. Ex. 270.)

39. Attached hereto as Exhibit 38 is a true and correct copy of a document bearing bates numbers SSMT02406069-70. (Trustee's Dep. Ex. 304.)

40. Attached hereto as Exhibit 39 is a true and correct copy of a document bearing bates numbers SSMT02406074-76. (Trustee's Dep. Ex. 306.)

41. Attached hereto as Exhibit 40 is a true and correct copy of a document bearing bates numbers SSMT01238214-66. (Trustee's Dep. Ex. 308)

42. Attached hereto as Exhibit 41 is a true and correct copy of a document bearing bates numbers SSMT00615750-51. (Trustee's Dep. Ex. 309.)

43. Attached hereto as Exhibit 42 is a true and correct copy of a document bearing bates number SSKW00000012. (Trustee's Dep. Ex. 310.)

44. Attached hereto as Exhibit 43 is a true and correct copy of Merrill Lynch Wealth Management Alternative Investments Funds of Funds Business Due Diligence Report. (ML&CI000006538 – ML&CI000006568.)

45. Attached as Exhibit 44 is a true and correct copy of a document bearing bates numbers SSMT01061678-82.

46. Attached as Exhibit 45 is a true and correct copy of a document bearing bates number SE_T681506.

Date: March 5, 2012
New York, New York

By: 
Regina Griffin