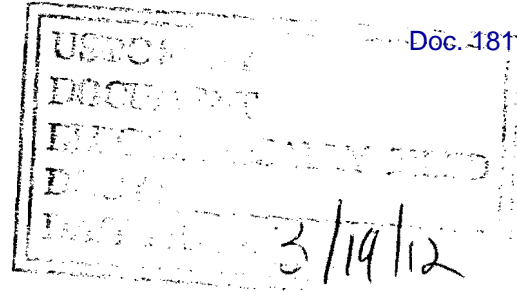


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



..... X
IRVING H. PICARD, TRUSTEE ,

Plaintiff,

v.

SAUL B. KATZ, *et al.*,

Defendants.
..... X

11 Civ. 3605 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

This Order serves as the written order pursuant to Rule 2(b) this Court’s Individual Rules of Practice, entered following a telephone conference on March 15, 2012 among the parties, Chambers and counsel for certain third parties also being sued by Plaintiff in connection with the Bernard L Madoff Investment Securities LLC liquidation listed on Annex A (the “Requesting Parties”):

1. The oral ruling of the Court at a similar telephone conference on March 14, 2012 involving similarly situated third parties, is confirmed: if the Court decides to address the “constant dollar/time value” issue in the above-captioned action, an appropriate opportunity will be afforded for interested parties to file submissions on the issue.

2. Other than as may later be permitted under paragraph 1, the proposed motions of the Requesting Parties for procedural consolidation, limited intervention or leave to submit an amicus brief, in each case in respect of the “constant dollar/time value” issue, are denied, without prejudice.

SO ORDERED



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
March 16, 2012

ANNEX A

Case Nos.	Loeb & Loeb Defendants
Adv. Proc. No. 10-4342 District Ct. No. 11-cv-08668	Kenneth L. Evenstad Revocable Trust u/a/d May 2, 2000 Kenneth L. Evenstad <i>in his capacity as Grantor and Trustee for the Kenneth L. Evenstad Revocable Trust</i> Grace B. Evenstad <i>in her capacity as Trustee for the Kenneth L. Evenstad Revocable Trust</i> Kenneth L. Evenstad, <i>individually</i> Grace B. Evenstad, <i>individually</i>
Adv. Proc. No. 10-4933 District Ct. No. 11-cv-08674	Kenneth L. Evenstad Revocable Trust u/a/d May 2, 2000 Kenneth L. Evenstad, <i>as Grantor and Trustee of the Kenneth L. Evenstad Revocable Trust and individually</i> Grace B. Evenstad, <i>as Trustee of the Kenneth L. Evenstad Revocable Trust and individually</i>
Adv. Proc. No. 10-4952 Dist. Ct. No. 11- cv-09179	MBE Preferred Limited Partnership MBE General LLC, as the General Partner of MBE Preferred Limited Partnership Kenneth L. Evenstad Revocable Trust u/a/d May 2, 2000 <i>as a Limited Partner of MBE Preferred Limited Partnership</i> Kenneth L. Evanstad <i>in his capacity as Grantor and Trustee for the Kenneth L. Evenstad Revocable Trust u/a/d May 2, 2000</i> Grace B. Evenstad <i>in her capacity as Trustee for the Kenneth L. Evenstad Revocable Trust u/a/d May 2, 2000</i> Kenneth L. Evenstad, <i>individually</i> Grace B. Evenstad, <i>individually</i> Mark B. Evenstad Revocable Trust u/a/d January 30, 2003 <i>as a Limited Partner of MBE Preferred Limited Partnership</i>

	<p>Mark B. Evenstad <i>in his capacity as Grantor and Trustee for the Mark B. Evenstad Revocable Trust u/a/d January 30, 2003</i></p> <p>Shannon Mahoney Evenstad <i>in her capacity as Trustee for the Mark B. Evenstad Revocable Trust u/a/d January 30, 2003</i></p> <p>Mark B. Evenstad, <i>individually</i></p> <p>Shannon Mahoney Evenstad, <i>individually</i></p>
<p>Adv. Proc. No. 10-4512</p> <p>District Ct. No. 11-cv-09218</p>	<p>Mark B. Evenstad Revocable Trust u/a dated January 30, 2003</p> <p>Mark B. Evenstad <i>in his capacity as Grantor and Trustee for the Mark B. Evenstad Revocable Trust</i></p> <p>Shannon Mahoney Evenstad <i>in her capacity as Trustee for the Mark B. Evenstad Revocable Trust</i></p> <p>Mark B. Evenstad individually</p> <p>Shannon Mahoney Evenstad individually</p>
<p>Adv. Proc. No. 10-4945</p> <p>District Ct. No. 11-cv-09180</p>	<p>Sew Preferred Limited Partnership</p> <p>Sew General, LLC</p> <p>Grace B. Evenstad Revocable Trust</p> <p>Grace B. Evenstad, <i>as co-trustee of the Grace B. Evenstad Revocable Trust</i></p> <p>Kenneth L. Evenstad, <i>as co-trustee of the Grace B. Evenstad Revocable Trust</i></p> <p>Serene Warren Revocable Trust</p> <p>Serene Warren, <i>as co-trustee of the Serene Warren Revocable Trust</i></p> <p>Christopher Warren, <i>as co-trustee of the Serene Warren Revocable Trust</i></p>

<p>Adv. Proc. No. 10-4514</p> <p>District Ct. No. 11-cv-09181</p>	<p>Serene Warren Revocable Trust u/a/d September 15, 2005</p> <p>Serene Warren and Christopher Warren, <i>as trustees of the Serene Warren Revocable Trust</i></p> <p>Serene Warren, individually</p>
<p>Adv. Proc. No. 10-04544</p> <p>District Ct. No. 11-cv-09219</p>	<p>Gorvis LLC, a California Limited Liability Company</p> <p>The Stacy L. Koff Investment Trust, a member of Gorvis, LLC,</p> <p>The David I. Koff Investment Trust, a member of Gorvis, LLC</p> <p>Alan S. Gordon, <i>in his capacities as trustee of the Stacy L. Koff Investment Trust and trustee of the David I. Koff Investment Trust</i></p> <p>C. Ray Johnson, <i>in his capacities as trustee of the Stacy L. Koff Investment Trust and trustee of the David I. Koff Investment Trust</i></p> <p>Stacy L. Koff, <i>individually as settlor and beneficiary of the Stacy L. Koff Investment Trust</i></p> <p>David I. Koff, <i>individually as settlor and beneficiary of the David I. Koff Investment Trust</i></p>
<p>Adv. Proc. No. 10-04926</p> <p>District Ct. No. 11-cv-09178</p>	<p>The Koff Living Trust</p> <p>Howard M. Koff, <i>individually and in his capacity as Trustee of the Koff Living Trust</i></p> <p>Marcia Koff</p>

<p>Adv. Proc. No. 10-04483</p> <p>District Ct. No. 11-cv-09217</p>	<p>Leslie Aufzien Levine</p> <p>Lisa Aufzien</p> <p>Leslie Levine Aufzien, <i>individually and in his capacity as a Joint Tenant</i></p> <p>Norma K. Aufzien, <i>individually and in her capacity as Joint Tenant</i></p> <p>Meredith Aufzien Bauer</p> <p>Jonathan M. Aufzien</p>
<p>Case Nos.</p>	<p>Schulte Roth & Zabel Defendants</p>
<p>Adv. Pro. No. 10-05404</p> <p>District Ct. No. 11-cv-9061</p>	<p>HHI Investment Trust #2</p> <p>King Harris, in his fiduciary capacity</p> <p>Katherine P. Harris, in her fiduciary capacity</p> <p>Toni H. Paul, in her fiduciary capacity</p> <p>Denise Saul, in her fiduciary capacity</p> <p>Sidney Barrows, in his fiduciary capacity</p> <p>The Harris Family Foundation</p> <p>Pam F. Szokol Trust</p> <p>William J. Friend Trust Dated 06/22/95;</p> <p>Scott C. Friend Trust of 1984 Under Trust Agreement Dated 11/21/84</p> <p>Bette D. Harris Grandchildren's Trust for the Children of Katerine Harris - Pam Friend Szokol Under Trust Agreement Dated 01/13/59</p> <p>Bette D. Harris Grandchildren's Trust for the Children of Katherine Harris - William Friend Under Trust Agreement Dated 01/13/59</p> <p>Bette D. Harris Grandchildren's Trust for the Children of King Harris - John B. Harris Under Trust Agreement Dated 01/13/59</p>

Bette D. Harris Grandchildren's Trust for the Children of Toni Paul
Under Trust Agreement Dated 01/13/59

King W. W. Harris Trust for Children Under Trust Agreement Dated
12/15/76

Toni Harris Paul Children's Trust Dated 12/15/76

Katherine Harris Custodian for John B. Harris Under the Illinois Uniform
Gifts to Minors Act Under Agreement Dated 12/01/76

King Harris Custodian for Charles Henry Paul Under the Illinois Uniform
Gifts to Minors Act Under Agreement Dated 06/01/79

King Harris Custodian for Kelly Lynn Paul Under the Illinois Uniform
Gifts to Minors Act Under Agreement Dated 10/01/80

King Harris Custodian for Alan Harris Paul Under the Illinois Uniform
Gifts to Minors Act Under Agreement Dated 12/20/84

King Harris Custodian for Laurie Beth Paul Under the Illinois Uniform
Gifts to Minors Act Under Agreement Dated 12/20/84

John B. Harris

Charles Henry Paul

Kelly Lynn Paul

Alan Harris Paul

Laurie Beth Paul

<p>Adv. Pro. No. 10-04480</p> <p>District Ct. No. 11-cv-9060</p>	<p>Pati H. Gerber, individually and in her fiduciary capacity</p> <p>Pati H. Gerber 1997 Trust</p> <p>The Pati H. Gerber Marital Deduction Trust Under the Last Will and Testament of Oscar L. Gerber</p> <p>Oscar L. Gerber Residuary Trust A</p> <p>Oscar L. Gerber Residuary Trust B</p> <p>Pati H. Gerber Ltd.</p> <p>Brian H. Gerber¹</p>
<p>Adv. Pro. No. 10-04347</p> <p>District Ct. No. 11-cv-9059</p>	<p>Thomas H. Lee</p> <p>Blue Star Investors, LLC²</p>
<p>Case Nos.</p>	<p>Kleinberg Kaplan Wolff & Cohen LLP Defendants</p>
<p>Adv. Pro. No. 10-04339</p> <p>District Ct. No. 11-cv-04772</p>	<p>Elins Family Trust, Lawrence Elins, Linda Elins, Elins Daughters Trust for the Benefit of Jamie Ann Elins, Elins Daughters Trust for the Benefit of Julie Lynn Elins, Jamie Elins Sabet and Julie Elins Banks</p>

¹ Brian H. Gerber is represented by Bellows & Bellows P.C.

² Blue Star Investors, LLC is represented by Weil Gotshal & Manges LLP

<p>Adv. Pro. No. 10-05222</p> <p>District Ct. No. 11-cv-07730</p>	<p>Malibu Trading & Investing L.P., Patricia Vinnecour and Keith Vinnecour</p>
<p>Adv. Pro. No. 10-04353</p> <p>District Ct. No. 11-cv-07731</p>	<p>Kenneth Hubbard</p>
<p>Adv. Pro. No. 10-04927</p> <p>District Ct. No. 11-cv-07732</p>	<p>Uri & Myna Herscher Family Trust, Uri Herscher and Myna Herscher</p>
<p>Adv. Pro. No. 10-05177</p> <p>District Ct. No. 11-cv-07733</p>	<p>Lawrence Elins</p>

Case Nos.	K&L Gates Defendants
Adv. Pro. No. 10-ap-4350-BRL District Ct. No. 11-cv-9451	South Ferry #2 LP, et al.
Adv. Pro. No. 10-ap-4374-BRL District Ct. No. 11-cv-9450	ZWD Investments, LLC, et al.
Adv. Pro. No. 10-ap-4384-BRL District Ct. No. 11-cv-9448	Lanx BM Investments, LLC, et al.
Adv. Pro. No. 10-ap-4488-BRL District Ct. No. 11-cv-9447	South Ferry Building Company, et al.
Adv. Pro. No. 10-ap-5054-BRL District Ct. No. 11-cv-9446	Chesed Congregations of America

Adv. Pro. No. 10-ap-5110-BRL	United Congregations Mesora
District Ct. No. 11-cv-9445	
Adv. Pro. No. 10-ap-5220-BRL	The Wolfson Trust, et al.
District Ct. No. 11-cv-9449	