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Attorneys for the Sterling Defendants

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

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SECURITIES INVESTOR PROTECTION CORPORATION,	:
	:
	:
Plaintiff-Applicant,	: Adv. Pro. No. 08-01789 (BRL)
	:
- against -	: SIPA LIQUIDATION
	:
BERNARD L. MADOFF INVESTMENT SECURITIES LLC,	: (Substantively Consolidated)
	:
	:
Defendant.	:
	:
----- X	

In re:	:
	:
BERNARD L. MADOFF,	:
	:
Debtor.	:
	:
----- X	

IRVING H. PICARD,	:
	:
Plaintiff,	:
	:
- against -	: Adv. Pro. No. 10-05287 (BRL)
	:
SAUL B. KATZ, et al.	:
	:
Defendants.	:
	:
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**NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT
OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Sterling Defendants' Motion to Dismiss the Amended Complaint Or, In the Alternative, For Summary Judgment, Statement of Undisputed Material Facts Pursuant to Local Bankruptcy Rule 7056-1, Declaration of Dana M. Seshens, dated March 20, 2011, and the exhibits attached thereto, Declaration of Saul B. Katz, dated March 19, 2011, Declaration of Ashok Chachra, dated March 16, 2011, the pleadings and papers on file in this action, and on such other and further evidence as may be presented prior to, and at, the hearing on this motion, the Sterling Defendants, by their undersigned counsel, will move before the Honorable Burton R. Lifland, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, New York, NY 10004, on June 29, 2011, at 10:00 a.m. or as soon thereafter as counsel may be heard, for an Order dismissing the amended complaint filed in the above-captioned action on March 18, 2011 pursuant to Fed. R. Bankr. P. 7012, or, in the alternative, granting summary judgment pursuant to Fed. R. Bankr. P. 7056, entering judgment as a matter of law in favor of the Sterling Defendants, and granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that papers in opposition to the motion and on reply in further support of the motion shall be served and filed in accordance with the Stipulation and Order entered in this proceeding on February 22, 2011.

Dated: New York, New York
March 20, 2011

DAVIS POLK & WARDWELL LLP

By: s/ Karen E. Wagner
Karen E. Wagner
Dana M. Seshens

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