

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

In re:	Adv. Pro. No. 08-01789 (BRL)
BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Debtor,	SIPA LIQUIDATION (Substantively Consolidated)
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff,	Adv. Pro. No. 10-05287 (BRL)
v.	11 Civ. 03605 (JSR) (HBP)
SAUL B. KATZ, et al., Defendants.	

**NOTICE OF MOTION TO DIRECT ENTRY OF FINAL JUDGMENT UNDER
FEDERAL RULE OF CIVIL PROCEDURE 54(b) AND FOR CERTIFICATION UNDER
28 U.S.C. § 1292(b)**

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Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff*

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, and upon all prior pleadings and proceedings herein, the undersigned, counsel to plaintiff Irving H. Picard, trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC, hereby moves this Court to (i) direct entry of judgment as to Counts Two through Ten of the Amended Complaint under Fed. R. Civ. P. 54(b), and to certify the Court's September 27, 2011 Order for interlocutory appeal under 28 U.S.C. § 1292(b) as to the controlling question of law concerning the applicable standard governing a transferee's affirmative good faith defense under 11 U.S.C. § 548(c) in a SIPA liquidation proceeding; (ii) alternatively, to certify the entirety of the Court's September 27, 2011 Order for interlocutory appeal under 28 U.S.C. § 1292(b); and (iii) grant such other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that under Fed. R. Civ. P. 5(b)(2)(E), 5(b)(3), and 6(d) and Local Civil Rule 6.1, any opposing affidavits and answering memoranda shall be served on or before **October 24, 2011**, which is the fourteenth day after service of the moving papers. Any reply affidavits and memoranda of law shall be served on or before **November 3, 2011**, which is the seventh day after service of the answering papers. The parties and their attorneys shall appear to argue the Motion if and when so directed by the Court.

Date: October 7, 2011
New York, New York

By: /s/ David J. Sheehan

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