

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

In re:

BERNARD L. MADOFF,

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)

Case No. 11-Civ-03605 (JSR)

**DECLARATION OF DAVID J. SHEEHAN IN SUPPORT OF THE TRUSTEE'S
MOTION TO STRIKE THE EXPERT REPORTS AND TESTIMONY OF JOHN
MAINE**

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., the trustee (“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 motion to exclude the expert report and related testimony of John Maine pursuant to Federal Rules of Evidence 702, 401, 402 and 403. I am personally familiar with the facts set forth herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Expert Report of John Maine, including Exhibits A and B thereto, dated November 22, 2011.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Rebuttal Report of John Maine, dated December 13, 2011.

4. Attached hereto as Exhibit 3 is a true and correct copy of the transcript of the Deposition of John D. Maine, dated January 5, 2012, in the above-captioned matter.

5. Attached hereto as Exhibit 4 is a true and correct copy of Defendants’ Answer and Defenses to the Trustee’s Amended Complaint, dated October 11, 2011.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the Bankruptcy Rule 2004 Examination Transcripts of Arthur Friedman, dated June 22, 2010 and June 23, 2010.

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the Bankruptcy Rule 2004 Examination Transcript of David Katz, dated September 1, 2010.

8. Attached hereto as Exhibit 7 is a true and correct copy of Trustee Exhibit 257 marked at the deposition of John D. Maine, dated January 5, 2012.

9. Attached hereto as Exhibit 8 is a true and correct copy of Trustee Exhibit 258 marked at the deposition of John D. Maine, dated January 5, 2012.

10. Attached hereto as Exhibit 9 is a true and correct copy of Trustee Exhibit 187.

11. Attached hereto as Exhibit 10 is a true and correct copy of Trustee Exhibit 110.

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

Dated: January 26, 2012

New York, New York

/s/ David J. Sheehan

David J. Sheehan