

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

<p>SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.</p>	<p>Adv. Pro. No. 08-01789 (LGB)  SIPA LIQUIDATION  (Substantively Consolidated)</p>
<p>In re  BERNARD L. MADOFF,  Debtor.</p>	
<p>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff,  Plaintiff,  v.  BANCO BILBAO VIZCAYA ARGENTARIA, S.A.,  Defendant.</p>	<p>Adv. Pro. No. 10-05351 (CGM)</p>

**STIPULATION AND ORDER TO  
FILE CERTAIN DOCUMENTS UNDER SEAL**

Defendant Banco Bilbao Vizcaya Argentaria, S.A. (“BBVA”), and Irving H. Picard, as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–lll, and the chapter 7 estate of Bernard L. Madoff (the “Trustee,” and together with BBVA, the “Parties”), by and through their counsel, hereby stipulate and agree as follows:

WHEREAS, on June 6, 2011, a Litigation Protective Order (the “LPO”) was entered in Sec. Inv’r Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC, Adv. Pro. No. 08-01789 (“the Main Action”), ECF No. 4137, governing the Main Action and the above-captioned adversary proceeding;

WHEREAS, paragraph 15 of the LPO provides that materials designated as “Confidential Material” may be filed with the Court under seal if the Parties so stipulate;

WHEREAS, on September 17, 2013, an Order Modifying the LPO was entered in the Main Action as ECF No. 5474;

WHEREAS, paragraph J of the Order Modifying the LPO states that if a party wishes to file documents designated “Confidential Material” under the LPO, such documents shall be filed under seal;

WHEREAS, BBVA seeks to file with the Court material designated as “Confidential Material” under the LPO (the “Confidential Documents”) in support of its forthcoming motion to dismiss the Trustee’s amended complaint;

WHEREAS, the Trustee, while preserving all rights to object to the designation of material as “Confidential Material,” does not object to the filing of the Confidential Documents under seal;

**IT IS HEREBY STIPULATED AND AGREED that:**

1. BBVA is authorized to file the Confidential Documents under seal;
2. The purpose of this Stipulation is to permit BBVA to file the Confidential Documents without further order of this Court, pursuant to paragraph 15 of the LPO;
3. BBVA shall promptly provide the Court and the Trustee with unsealed versions of the Confidential Documents filed; and

4. The Parties reserve all rights, including without limitation the right to challenge at a later time the designation of documents as “Confidential Material,” or to oppose any such challenge.

Dated: September 11, 2024  
New York, New York

/s/ Brian W. Song

**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Brian W. Song  
Email: bsong@bakerlaw.com  
Noah J. Goertemiller  
Email: ngoertemiller@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Chapter 7 Estate of Bernard L. Madoff*

/s/ Christian Vandergeest

**Freshfields Bruckhaus Deringer US LLP**  
3 World Trade Center, 51st Fl.  
175 Greenwich Street  
New York, NY 10007  
T: (212) 277-4000

Timothy P. Harkness  
Email: timothy.harkness@freshfields.com  
Heather Lamberg  
Email: heather.lamberg@freshfields.com  
David Y. Livshiz  
Email: david.livshiz@freshfields.com  
Christian Vandergeest  
Email: christian.vandergeest@freshfields.com  
Elischke de Villiers  
Email: elischke.devilliers@freshfields.com

*Attorneys for Banco Bilbao Vizcaya  
Argentaria, S.A.*

**SO ORDERED.**

**Dated: September 13, 2024**  
**Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**