

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

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (LGB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

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,

Plaintiff,

v.

FIRST ABU DHABI BANK,

Defendant.

Adv. Pro. No. 11-02541 (LGB)

FIRST AMENDED CASE MANAGEMENT PLAN

Plaintiff Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa-111, and the estate of Bernard L. Madoff individually, and Defendant First Abu Dhabi Bank (“FAB”), (“Defendant” together with the Trustee, the “Parties,” and each individually, a “Party”), submit this First Amended Case Management Plan pursuant to Rules 16 and 26 of the Federal Rules of Civil Procedure (the “Federal Rules”),

applicable under Rules 7016 and 7026 of the Federal Rules of Bankruptcy Procedure.

1. Unless otherwise stated herein, the terms of the Case Management Plan entered December 28, 2022 apply.

2. Relevant Procedural History.

a. On August 18, 2011, the Trustee initiated this adversary proceeding in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) by filing a complaint against FAB. (ECF No. 1).

b. On March 17, 2022, FAB filed a Motion to Dismiss. (ECF No. 89).

c. On June 18, 2022, the Motion to Dismiss was denied. (ECF No. 99).

d. On September 30, 2022, FAB filed its Answer and Affirmative Defenses. (ECF No. 103).

e. On December 28, 2022, the Parties’ Case Management Plan was entered. (ECF No. 104).

f. On November 29, 2023, Discovery Arbitrator Judge Frank Maas entered a Scheduling Order on a Motion to Compel submitted by the Trustee and set a conference on the Motion to Compel on January 5, 2024. (ECF No. 107). On January 10, 2024, Judge Maas found that the Trustee had good cause to seek a six-month extension of the discovery period. (ECF No. 109).

3. Fact Discovery Plan. Section 2 of the Case Management Plan is amended as follows:

a. Fact Discovery Cut-Off. All fact discovery is to be completed by September 30, 2025 (the “Discovery Cut-Off Date”).

b. Initial Disclosures. The Parties do not propose any changes to the form or requirements for disclosures under Federal Rule 26(a). Trustee served his Initial Disclosures on

February 13, 2023 and FAB served its Initial Disclosures on April 1, 2023 and Supplemental Initial Disclosures on January 31, 2024.

4. Discovery Arbitrator. Section 8 of the Case Management Plan is amended to reflect the Parties' agreement to split the Discovery Arbitrator's fees related to the Trustee's Motion to Compel. Otherwise, the language of this section is unchanged.

5. Parties and Counsel. The Parties join in this First Amended Case Management Plan through their counsel.

[Signatures on following page]

Dated: January 8, 2025.

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

SO ORDERED.

**Dated: January 8, 2024
NEW YORK, NEW YORK**

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/s/ Lisa G. Beckerman
**HONORABLE LISA G. BECKERMAN
UNITED STATES BANKRUPTCY JUDGE**