

**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 of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

PARSON FINANCE PANAMA S.A.,

Defendant.

Adv. Pro. No. 11-02542 (LGB)

STIPULATION AND ORDER APPOINTING DISCOVERY ARBITRATOR

Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-111 (“SIPA”), and the chapter 7 estate of Bernard L. Madoff and Parson Finance Panama S.A. (“Defendant” and collectively the “Parties”), by and through their respective undersigned counsel, state as follows:

WHEREAS, the Parties entered into a Case Management Plan (“Plan”) that was so ordered by the Court on December 8, 2022 (ECF No. 116);

WHEREAS, in the Plan, the Parties agreed to use a Discovery Arbitrator to resolve discovery disputes that the Parties are unable to resolve by meeting and conferring, as referenced in the Order Appointing A Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390 (ECF No. 14227) entered on October 4, 2016 (“Discovery Order”), in Adv. Pro. No. 08-01789 (LGB);

WHEREAS, the Trustee intends to bring a motion compelling Defendant to produce documents (the “Trustee’s Motion”);

WHEREAS, pursuant to the Plan, the Parties have agreed to seek the appointment of a Discovery Arbitrator under the terms of the Discovery Order;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND SO ORDERED
that:

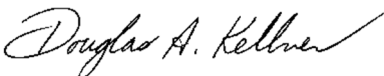
1. The Honorable Frank Maas (ret.), c/o JAMS, Inc. is appointed as Discovery Arbitrator effective as of the date this Order is entered under the terms of the Discovery Order, except that the Parties agree that the Parties may submit a motion and related pleadings to the Discovery Arbitrator in lieu of the letters described in paragraphs 7 and 8 in the Discovery Order.
2. The Parties further agree that the Parties will participate in an initial conference with the Discovery Arbitrator to determine a briefing schedule regarding the Trustee’s Motion and hearing date.
3. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order. Nothing contained herein shall be deemed or construed to

limit in any way either Party's right to appeal the Discovery Arbitrator's decision in accordance with paragraph 10 of the Discovery Order.

Dated: April 17, 2024

Dated: April 23, 2024

By: /s/ Nicholas J. Cremona

By: 

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Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

Dated: New York, New York
April 24, 2024

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