

Helen Davis Chaitman (4266)
 BECKER & POLIAKOFF LLP
 45 Broadway
 New York, New York 10006
 (212) 599-3322
 hchaitman@becker-poliakoff.com
Attorneys for Diane and Roger Peskin, Maureen Ebel, and the parties listed on Exhibit A hereto

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

-----	X	
	:	
SECURITIES INVESTOR	:	
PROTECTION CORPORATION,	:	SIPA LIQUIDATION
	:	(Substantively Consolidated)
Plaintiff,	:	Adv. Pro. No. 08-01789 (BRL)
	:	
v.	:	
	:	<u>NOTICE OF APPEAL</u>
BERNARD L. MADOFF INVESTMENT	:	<u>AND PROTECTIVE MOTION</u>
SECURITIES LLC,	:	<u>FOR LEAVE TO APPEAL</u>
	:	
Defendant.	:	
	:	
-----	X	
	:	
In re:	:	
	:	
BERNARD L. MADOFF,	:	
	:	
Debtor.	:	
	:	
-----	X	

PLEASE TAKE NOTICE that Diane and Roger Peskin, Maureen Ebel, and a large group of Customers listed on Exhibit A hereto (“Appellants”) hereby appeal under 28 U.S.C. § 158(d)(2) to the United States Court of Appeals for the Second Circuit from the Order entered by the Bankruptcy Court for the Southern District of New York in the above-referenced proceeding on March 8, 2010 (the “Order,” annexed as Exhibit B hereto),

pursuant to the Certification of Net Equity Order issued by the Bankruptcy Court on March 8, 2010 (the "Certification," annexed as Exhibit C hereto).

PLEASE TAKE FURTHER NOTICE that, in the event that the United States Court of Appeals for the Second Circuit does not authorize the appeal, Appellants in the alternative hereby appeal the Order under 28 U.S.C. § 158(a)(1) to the United States District Court for the Southern District of New York.

In the event that it is necessary, this Notice should be deemed a motion for leave to appeal under 28 U.S.C. § 158(d)(2) to the United States Court of Appeals for the Second Circuit or under 28 U.S.C. § 158(a)(3) to the United States District Court for the South District of New York for the reasons set forth in the Certification, the Order, and the Memorandum Decision dated March 1, 2010 granting the Trustee's motion for the Order.

The names of all parties to the Order appealed from and the names, addresses, and telephone numbers of their respective counsel are as follows:

BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
By: David Sheehan
Marc E. Hirschfield
Oren J. Warshavsky
Seanna R. Brown

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

SECURITIES INVESTOR PROTECTION CORPORATION
805 Fifteenth Street, N.W. Suite 800
Washington, DC 20005
Telephone: (202) 371-8300
Facsimile: (202) 371-6728
By: Josephine Wang
Kevin H. Bell

Attorneys for the Securities Investor Protection Corporation

SECURITIES AND EXCHANGE COMMISSION
100 F. Street, N.E.
Washington, DC 20548
Telephone: (202) 551-5148
By: Katharine B. Gresham
Alistaire Bambach

Attorneys for the Securities and Exchange Commission

BECKER & POLIAKOFF, LLP
45 Broadway
11th Floor
New York, NY 10006
By: Helen Davis Chaitman

Attorneys for Diane and Roger Peskin, Maureen Ebel, and a group of other customers

BERNFELD, DEMATTEO & BERNFELD LLP
600 Third Avenue
New York, NY 10016
Telephone: (212) 661-1661
Facsimile: (212) 557-9610
By: David B. Bernfeld
Jeffrey Bernfeld

Attorneys for Dr. Michael Schur and Mrs. Edith A. Schur

BROWN RUDNICK LLP
Seven Times Square
New York, NY 10036
Telephone: (212) 209-4800
Facsimile: (212) 209-4801
By: David J. Molton
Martin S. Siegel

*Attorneys for Kenneth M. Kryz and Christopher D. Stride as Liquidators of and for
Fairfield Sentry Limited*

STANLEY DALE COHEN
41 Park Avenue, Suite 17-F
New York, NY 10016
Telephone: (212) 686-8200
By: Stanley Dale Cohen

Attorneys for Lee Mellis, Lee Mellis (IRA), Jean Pomerantz T.O.D., and Bonita Savitt

CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, NY 10019
Telephone: (212) 474-1000
Facsimile: (212) 474-3700
By: Richard Levin

Attorneys for Optimal Strategic U.S. Equity Limited and Optimal Arbitrage Limited

DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, NY 10017
Telephone: (212) 450-4000
Facsimile: (212) 701-5800
By: Karen Wagner
Brian S. Weinstein
Jonathan D. Martin

*Attorneys for Sterling Equities Associates, Arthur Friedman, David Katz, Gregory
Katz, Michael Katz, Saul Katz, L. Thomas Osterman, Marvin Tepper, Fred Wilpon,
Jeff Wilpon, Richard Wilpon, and Mets Limited Partnership*

DEWEY & LEBOEUF LLP
1301 Avenue of the Americas
New York, NY 10019
Telephone: (212) 259-8000
Facsimile: (212) 259-6333
By: Seth C. Farber
James P. Smith III
Kelly A. Librera

Attorneys for Ellen G. Victor

GIBBONS, P.C.
One Pennsylvania Plaza, 37th Floor
New York, NY 10119
Telephone: (212) 613-2009
Facsimile: (212) 554-9696
By: Jeffrey A. Mitchell
Don Abraham

Attorneys for Donald G. Rynne

GOODWIN PROCTER LLP
53 State Street
Boston, MA 02109
Telephone: (617) 570-1000
Facsimile: (617) 523-1231
By: Daniel M. Glosband
David J. Apfel
Brenda R. Sharton
Larkin M. Morton

*Attorneys for Jeffrey A. Berman, Russell DeLucia, Ellenjoy Fields, Michael C. Lesser,
Norman E. Lesser 11/97 Rev. Trust, Paula E. Lesser 11/97 Rev. Trust, and Jane L.
O'Connor, as Trustee of the Jane O'Connor Living Trust*

HERRICK, FEINSTEIN LLP
2 Park Avenue
New York, NY 10016
Telephone: (212) 592-1400
Facsimile: (212) 592-1500
By: William R. Fried

Attorneys for Magnify, Inc.

JOHNSON, POPE, BOKOR, RUPPEL & BURNS, LLP
911 Chestnut Street
Clearwater, FL 33757
Telephone: (727) 461-1818
Facsimile: (727) 443-6548
By: Angelina E. Lim
Michael C. Cronin

Attorneys for Anchor Holdings, LLC

KLEINBERG, KAPLAN, WOLFF & COHEN, P.C.
551 Fifth Avenue, 18th Floor
New York, NY 10176
Telephone: (212) 986-6000
Facsimile: (212) 986-8866
By: David Parker
Matthew J. Gold
Jason Otto

Attorneys for Lawrence Elins and Malibu Trading and Investing, L.P.

LAX & NEVILLE, LLP
1412 Broadway, Suite 1407
New York, NY 10018
Telephone: (212) 696-1999
Facsimile: (212) 566-4531
By: Brian J. Neville
Barry R. Lax

*Attorneys for Mary Albanese, the Brow Family Partnership, Allen Goldstein,
Laurence Kaye, Suzanne Kaye, Rose Less, and Gordon Bennett*

MCCARTER & ENGLISH, LLP
245 Park Avenue, 27th Floor
New York, NY 10167
Telephone: (212) 609-6800
Facsimile: (212) 609-6921
By: Joseph Lubertazzi, Jr.

Attorneys for Wachovia Bank, National Association

MILBERG LLP

One Pennsylvania Plaza
New York, NY 10119
Telephone: (212) 594-5300
Facsimile: (212) 868-1229
By: Jonathan M. Landers
Matthew Gluck
Lois F. Dix
Joshua E. Keller
Sanford P. Dumain
Jennifer L. Young

SEEGER WEISS LLP

One William Street
New York, NY 10004
Telephone: (212) 584-0700
Facsimile: (212) 584-0799
By: Stephen A. Weiss
Christopher M. Van de Kieft
Parvin K. Aminolroaya

Attorneys for Albert J. Goldstein U/W FBO, Ruth E. Goldstein TTEE, Ann Denver, Norton Eisenberg, Export Technicians, Inc., Stephen R. Goldenberg, Judith Rock Goldman, Jerry Guberman, Anita Karimian, Orthopaedic Specialty Group PC, Martin Rappaport, Paul J. Robinson, Bernard Seldon, Harold A. Thau, and The Aspen Company

MORRISON COHEN LLP

909 Third Avenue
New York, NY 10022
Telephone: (212) 735-8600
Facsimile: (212) 735-8708
By: Michael R. Dal Lago

Attorneys for David Silver

PHILLIPS NIZER LLP
666 Fifth Avenue
New York, NY 10103
Telephone: (212) 841-1320
Facsimile: (212) 262-5152
By: Chryssa V. Valletta

Attorneys for Herbert Barbanel, Alice Barbanel and Lauri Ann Schwartz-Barbanel

BRUCE S. SCHAEFFER
404 Park Avenue South
New York, NY 10016
Telephone: (212) 689-0400
By: Bruce S. Schaefer

Attorneys for Irving J. Pinto Revocable Trust, Irving J. Pinto Grantor Retained Annuity Trust of 1994, Irving J. Pinto Grantor Retained Annuity Trust of 1996, and Amy Lome Pinto Revocable Trust

SCHULTE ROTH & ZABEL LLP
919 Third Avenue
New York, NY 10022
Telephone: (212) 756-2000
Facsimile: (212) 593-5955
By: William D. Zabel
Michael L. Cook
Marcy Ressler Harris
Frank J. LaSalle

Attorneys for SRZ Claimants

SHEARMAN & STERLING LLP
599 Lexington Avenue
New York, NY 10022
Telephone: (212) 848-4000
Facsimile: (212) 848-7179
By: Stephen Fishbein
James Garrity
Richard Schwed

Attorneys for Carl Shapiro and associated entities

SONNENSCHN NATH & ROSENTHAL LLP
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 768-6889
Facsimile: (212) 768-6800
By: Carole Neville

Attorneys for Certain Investors

APPEARING PRO SE
Hugh de Blacam
Ethel and James Chambers
Anthony Fusco
Herbert and Ruth Gamberg
Cynthia Pattison Germaine
Lillian Gilden
Phyllis Glick
Yolanda Greer
Joseph M. Hughart
Simon Jacobs
Marvin Katkin
Marshall W. Krause
Jason Mathias
Michael and Stacey Mathias
Shawn Mathias
Herbert A. Medetsky
Josef Mittleman
Josef Mittleman, on behalf of Just Empire, LLC
Arlene Perlis
Gunther and Margaret Unflat
Lawrence R. Velvel
Alan J. Winters

Dated: New York, New York
March 19, 2010

s/s *Helen Davis Chaitman*

BECKER & POLIAKOFF, LLP
45 Broadway
New York, NY 10006
(212) 599-3322
hchaitman@becker-poliakoff.com

Attorneys for Diane and Roger Peskin, Maureen Ebel, and the parties listed on Exhibit A hereto.