

Bernfeld, DeMatteo & Bernfeld, LLP

600 Third Avenue, 15th Floor
New York, New York 10016
(212) 661-1661
Fax (212) 557-9610
David Bernfeld, Esq.
Jeffrey Bernfeld, Esq.

*Attorneys for the Defendants
set forth in Exhibit A hereto*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

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In re:

BERNARD L. MADOFF,

Debtor.

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IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FRANITZA FAMILY LIMITED PARTNERSHIP,
MANFRED FRANITZA REVOCABLE TRUST,
NTC & CO., LLP, as former custodian of an
Individual Retirement Accounts for the benefit of

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

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Proc. No. 10-04476

Manfred Franitza and Margrit Franitza,
MANFRED FRANITZA, individually and in his
capacities as General Partner of the Franitza
Family Limited Partnership and as Trustee and/or
Beneficiary of the Manfred Franitza Revocable
Trust, MARGRIT FRANITZA, individually and in
her capacities as General Partner of the Franitza
Family Limited Partnership and as Trustee and/or
Beneficiary of the Manfred Franitza Revocable
Trust, URTE FRANITZA-GOLDSTEIN, individually
and as General Partner of the Franitza Family Limited
Partnership, and KAREN FENNER, individually and
as General Partner of the Franitza Family Limited
Partnership,

Defendants.

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**DECLARATION IN SUPPORT OF MOTION
SEEKING WITHDRAWAL OF THE REFERENCE
FROM THE BANKRUPTCY COURT
TO THE DISTRICT COURT**

David B. Bernfeld, an attorney duly licensed to practice before the courts of the State of New York and this Court, declares as follows, under penalty of perjury:

1. I am a member of the firm of Bernfeld, DeMatteo & Bernfeld, LLP, attorneys for the Defendants (the “Franitza Defendants”) in this adversary proceeding brought by the SIPC Trustee in the Madoff SIPA Liquidation, with the exception of Defendant NTC & Co., LLP. I am licensed to practice law before the courts of the State of New York as well as this Court. This Declaration is submitted in support of the motion of the Franitza Defendants in the above captioned adversary proceeding (the “Franitza Adversary Proceeding”) pursuant to 28 U.S.C. § 157(d) for an order directing a Withdrawal of Reference of the Franitza Adversary Proceeding from the Bankruptcy Court to the Federal District Court for the Southern District of New York.¹

¹ This firm also represents each of the defendants in the related adversary proceedings set forth on Exhibit A (the “Related Adversary Proceedings”) to the extent indicated

2. Annexed as Exhibit B is a copy of the Complaint in the Frantza Adversary Proceeding which is representative of the claims asserted by the Trustee in the complaints in each of the Related Adversary Proceedings.

3. Annexed as Exhibits C & D respectively are copies of two recent decisions by judges in the Federal District Court for the Southern District of New York in which motions for Withdrawal of Reference were granted with respect to adversary proceedings brought within the Madoff SIPC Liquidation proceedings.

4. For the reasons set forth in the accompanying Memorandum of Law submitted in support of this motions, it is respectfully submitted that a Withdrawal of the Reference in each of the Frantza and the Related Adversary Proceedings is mandatory and should be granted pursuant to 28 U.S.C. §157(d).

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

Executed on June 28, 2011

/s/

DAVID B. BERNFELD (dbb-0177)

therein. Each of these Defendants in the Related Adversary Proceedings similarly seeks a withdrawal of the reference from the Bankruptcy Court to the Federal District Court for the Southern District of New York with respect to those Related Adversary Proceeding and hereby join in this motion.