

**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.

FAIRFIELD INVESTMENT FUND LIMITED,
STABLE FUND, FAIRFIELD GREENWICH
LIMITED, FAIRFIELD GREENWICH
(BERMUDA), LTD., FAIRFIELD GREENWICH
ADVISORS LLC, FAIRFIELD INTERNATIONAL
MANAGERS, INC., WALTER M. NOEL, JR.,
JEFFREY TUCKER, ANDRES PIEDRAHITA,
AMIT VIJAYVERGIYA, PHILIP TOUB, CORINA
NOEL PIEDRAHITA, FAIRFIELD GREENWICH
CAPITAL PARTNERS and SHARE
MANAGEMENT LLC,

Defendants.

Adv. Pro. No. 09-01239 (LGB)

STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT

WHEREAS, on July 20, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq., and the substantively consolidated estate of Bernard L. Madoff, individually, commenced the above-captioned adversary proceeding against, among others, Walter M. Noel, Jr.; and

WHEREAS, on January 25, 2024, former counsel for Walter M. Noel, Jr. filed a Suggestion of Death providing notice of the December 16, 2023 death of Walter M. Noel, Jr. (ECF No. 379);

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Monica Noel, in her capacity as executor of the estate of Walter M. Noel, Jr. (the “Noel Estate”), as follows:

1. The Noel Estate and Monica Noel, in her capacity as executor of the Noel Estate (the “Estate Defendants”), are hereby substituted into this action in place of Walter M. Noel, Jr., deceased, and the operative complaint, Second Amended Complaint (ECF No. 286), shall be deemed so amended.

2. The Clerk of the Court is hereby directed to amend the caption to remove Walter M. Noel, Jr. and substitute the Estate Defendants as reflected on Exhibit A to this stipulation.

3. The stipulation is intended by all parties hereto to be solely for the purpose of substituting the correct parties to comply with Federal Rule of Civil Procedure 25(a)(1), made applicable by Federal Rule of Bankruptcy Procedure 7025.

4. Undersigned counsel for the Estate Defendants: (i) expressly represent that they have the authority to accept service of the Second Amended Complaint on behalf of the Estate Defendants; (ii) waive service of the summons and the Second Amended Complaint on behalf of the Estate Defendants; (iii) hereby waive any defenses based on insufficiency of process or

insufficiency of service of process of the summons and Second Amended Complaint on behalf of the Estate Defendants; and (iv) expressly agree that the amendment noted in Paragraph 1 hereof shall not be considered an amendment under Federal Rule of Civil Procedure 15(a)(1)(A) or (B).

5. Except as expressly set forth herein, the parties to this stipulation reserve all rights and defenses they may have.

6. This stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this stipulation shall be deemed an original.

Dated: April 11, 2024
New York, New York

BAKER & HOSTETLER LLP

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*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*

**WOLLMUTH MAHER & DEUTSCH
LLP**

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*Attorneys for the Estate of Walter M.
Noel, Jr., and Monica Noel in her
capacity as Executor of the Estate of
Walter M. Noel, Jr.*

SO ORDERED.

Dated: April 12, 2024
New York, New York

/s/ Lisa G. Beckerman
Honorable Lisa G. Beckerman
United States Bankruptcy Judge

EXHIBIT A – AMENDED CAPTION

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