

# *LUXALPHA Sicav in liquidation*

*B.P. 456  
L - 2016 LUXEMBOURG*

**Madoff Victim Fund**

Luxembourg, June 22, 2017

**p.o. Box 6310**

**Syracuse, NY 13217-6310**

[MVFRFR@madoffvictimfund.com](mailto:MVFRFR@madoffvictimfund.com)

## **REQUEST FOR RECONSIDERATION**

Claim Number : 7005725

Dear Sir,

We acknowledge the receipt of your Final Determination Notice (the "Final Determination Notice") which was received on June 16, 2017 by the undersigned official liquidators of LUXALPHA SICAV in liquidation ("LAF"). A full copy of the Final Determination Notice is included herewith.

You indicate that the Petition for Remission (the "Petition") that was filed with the Madoff Victim Fund (the "MVF") "is denied because you are a pooled investment vehicle, financial intermediary or other entity that did not invest your own proprietary funds in Madoff Securities. Under MVF's Plan adopted by the DOJ, financial intermediaries or pooled investment vehicles and other entities that did not lose their own money are generally not eligible to participate in the MVF". We dispute your characterization that the monies invested with Madoff Securities by LAF were not its "proprietary funds" and that LAF "did not lose [its] own money". As a matter of fact, LAF was the legal owner of all monies it invested with Madoff Securities, and we, as the court nominated liquidators of LAF, are the only persons having authority to represent LAF and all of its investors and creditors and are charged with distributing LAF's assets in accordance Luxembourg law. We also refer to the liquidation judgement which we communicated with our Petition.

As evidenced by the Petition, any distribution for monies invested by LAF with Madoff Securities should be made to us, as the official liquidators.



Given that the LAF liquidation is the only feasible manner through which all of LAF's investors and creditors may be compensated for the Madoff fraud, we kindly request that you reconsider the Final Determination Notice and approve and allow the Petition that was filed and given Claim Number 7005725 so that the appropriate distributions may be made to investors and creditors of LAF. For the avoidance of doubt, please consider this letter a formal Request For Reconsideration of the Final Determination Notice. LAF reserves all of its rights.

Sincerely

The court nominated liquidators

Alain RUKAVINA  
Paul LAPLUME

A handwritten signature in black ink, appearing to be a stylized 'A' followed by a long horizontal stroke and a sharp upward curve, is written over the printed names of Alain RUKAVINA and Paul LAPLUME.

Enclosure: Final Determination Notice - Denial,



**Madoff Victim Fund**

P.O. Box 6310  
Syracuse, NY 13217-6310



LUXALPHA SICAV  
ATTN: LUXALPHA SICAV IN LIQUIDATION  
42 RUE DES CERISES  
JUNGLINSTER L-6113  
LUXEMBOURG

Claim Number: 7005725

June 9, 2017

**FINAL DETERMINATION NOTICE – DENIAL**

Dear Claimant:

The U.S. Department of Justice (“DOJ”) has reviewed your Petition for Remission (“Petition”) filed with the Madoff Victim Fund (“MVF”) and all supporting materials submitted in connection with your Petition. Each Petition was reviewed in accordance with the MVF Plan of Distribution (the “Plan”), and applicable DOJ remission regulations at 28 C.F.R. Part 9 (the “Regulations”).

Based on this review, DOJ determined that your Petition does not satisfy the requirements of the Plan or the Regulations. Therefore, the Petition has been **DENIED**.

Specifically, the Petition is denied because you are a pooled investment vehicle, financial intermediary or other entity that did not invest your own proprietary funds in Madoff Securities. Under MVF’s Plan adopted by DOJ, financial intermediaries or pooled investment vehicles and other entities that did not lose their own money are generally not eligible to participate in the MVF.

You may seek a reconsideration of DOJ’s decision. To do so, you must file a written request for reconsideration (“RFR”) that either provides new information or evidence of eligibility not already considered, or clearly demonstrates that the denial of the Petition was erroneous. Please do not resubmit materials already provided to MVF in support of any RFR, as all such materials were already reviewed.

To be eligible for consideration, the RFR must be postmarked or received by MVF within **ten (10) days** of the date of your receipt of this Notice.

R: 19/06/17

MADOFF VICTIM FUND  
P.O. BOX 6310  
SYRACUSE, NY 13217-6310



\*M6M07005725X\*

7005725 - FDN  
LUXALPHA SICAV  
ATTN: LUXALPHA SICAV IN LIQUIDATION  
42 RUE DES CERISES  
JUNGLINSTER L-6113  
LUXEMBOURG

Please return this entire Notice and note claim ID **7005725** on any supplemental documentation.

You may submit a RFR via e-mail to [MVFRFR@madoffvictimfund.com](mailto:MVFRFR@madoffvictimfund.com). Alternatively, you may mail the RFR to:

Madoff Victim Fund  
P.O. Box 6310  
Syracuse, NY 13217-6310

Please clearly mark your correspondence at the top of the page as "Request for Reconsideration". You should include a copy of this Notice with any RFR, and also include your Claim Number listed above.

If you need further assistance after reviewing this Notice, contact MVF customer service by e-mail at [info@madoffvictimfund.com](mailto:info@madoffvictimfund.com) or by telephone at (866) 624-3670.

Sincerely,

Richard C. Breeden  
Special Master  
Madoff Victim Fund

