

U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 5, 2012

BY HAND

Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Irwin Lipkin
S9 10 Cr. 228 (LTS)

Dear Judge Swain:

The Government anticipates that at a court appearance scheduled for November 8, 2012 at 4:30 PM, the Government will file a Superseding Information (the "Superseding Information") in the above-referenced case, and that Irwin Lipkin, the former Controller of Bernard L. Madoff Investment Securities LLC ("BLMIS"), will plead guilty to the Superseding Information.

Count One of the Superseding Information charges that Irwin Lipkin conspired to (1) commit securities fraud by, among other things, creating false financial records that were provided to various BLMIS investors, (2) falsify records of a broker-dealer, (3) falsify records of an investment adviser, (4) make false filings with the Securities and Exchange Commission, and (5) falsify statements in relation to documents required by ERISA. Count Two of the Superseding Information charges Irwin Lipkin with the substantive offense of falsifying statements in relation to documents required by ERISA. A chart of the anticipated charges and penalties is attached. The combined statutory maximum penalty applicable to Counts One and Two is 10 years of imprisonment.

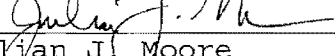
In order to provide notice to victims of the anticipated guilty plea proceeding, the Government respectfully requests that the Court direct the United States Attorney's Office to post this

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letter on its Internet website at <http://www.usdoj.gov/usao/nys>
on a separate Web page for *United States v. Bernard L. Madoff and
Related Cases.*


Respectfully submitted,

PREET BHARARA
United States Attorney

By: 

Julian J. Moore
Lisa A. Baroni
Matthew L. Schwartz
Assistant U.S. Attorneys
(212) 637-2473

cc: David M. Richman, Esq.
(Counsel to Irwin Lipkin)

SO ORDERED.


NEW YORK, NY
LAURA TAYLOR SWAIN
NOV 5, 2012 UNITED STATES DISTRICT JUDGE

United States v. Irwin Lipkin, S9 10 Cr. 228 (LTS)

<u>Count</u>	<u>Charge</u>	<u>Maximum Penalties</u>
ONE	Conspiracy to (1) Commit Securities Fraud; (2) Falsify Records of a Broker-Dealer; (3) Falsify Records of an Investment Adviser; (4) Make False Filings with the SEC; and (5) Falsify Statements in Relation to Documents Required by ERISA	5 yrs. imprisonment; 3 yrs. supervised release; fine of the greatest of \$250,000 or twice the gross gain or loss; mandatory \$100 special assessment; and restitution.
TWO	Falsifying Statements in Relation to Documents Required by ERISA	5 yrs. imprisonment; 3 yrs. supervised release; fine of the greatest of \$10,000 or twice the gross gain or loss; mandatory \$100 special assessment; and restitution.