

U.S. Department of Justice

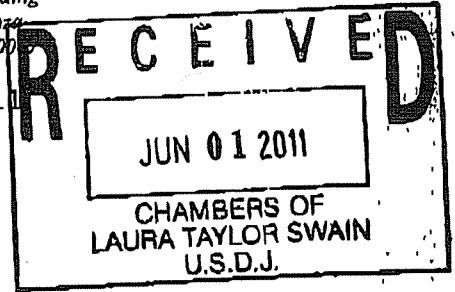


FILE COPY

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 100

June 1, 2011



BY HAND

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

Re: United States v. Eric S. Lipkin  
S3 10 Cr. 228 (LTS)

MEMO ENDORSED

Dear Judge Swain:

The Government anticipates that, at the court appearance scheduled for June 6, 2011 at 11:00 AM, the Government will file a Superseding Information (the "Information") in the above-referenced case. The parties anticipate that, at the conference, Eric S. Lipkin, a former employee in the investment advisory business of Bernard L. Madoff Investment Securities LLC, will plead guilty to the Information pursuant to a cooperation agreement with the Government. A chart of the charges in the Information and the maximum penalties is attached.

In order to provide notice to victims of the anticipated guilty plea proceeding, the Government respectfully requests that the Court direct the U.S. Attorney's Office to post this 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: Lisa A. Baroni  
Lisa A. Baroni  
Julian J. Moore  
Assistant U.S. Attorneys  
(212) 637-2405 / 637-2473

SO ORDERED.

NEW YORK, NY

LAURA TAYLOR SWAIN

UNITED STATES DISTRICT JUDGE

June 1, 2011

cc: James Filan, Esq.

**United States v. Eric S. Lipkin, S3 10 Cr. 228 (LTS)**

<b><u>Count</u></b>	<b><u>Charge</u></b>	<b><u>Maximum Penalties</u></b>
<b>ONE</b>	Conspiracy to (1) Falsify Books and Records of a Broker-Dealer; (2) Falsify Books and Records of an Investment Adviser; and (3) to Falsify Statements to Facilitate a Theft Concerning 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; restitution; and criminal forfeiture.
<b>TWO</b>	Conspiracy to Commit Bank Fraud	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; restitution; and criminal forfeiture.
<b>THREE</b>	Falsifying Books and Records of a Broker-Dealer	20 yrs. imprisonment; 3 yrs. supervised release; fine of the greatest of \$5,000,000 or twice the gross gain or loss; mandatory \$100 special assessment; restitution; and criminal forfeiture.
<b>FOUR</b>	Falsifying Books and Records of an Investment Adviser	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.
<b>FIVE</b>	Making False Statements to Facilitate a Theft Concerning 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.
<b>SIX</b>	Bank Fraud	30 yrs. imprisonment; 5 yrs. supervised release; fine of the greatest of \$1,000,000 or twice the gross gain or loss; mandatory \$100 special assessment; restitution; and criminal forfeiture.