



U.S. Department of Justice

United States Attorney  
Southern District of New York

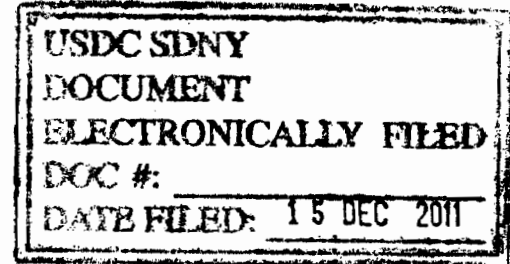
**MEMO ENDORSED**

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

December 15, 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. Enrica Cotellessa-Pitz  
S5 10 Cr. 228 (LTS)

Dear Judge Swain:

The Government anticipates that at the court appearance scheduled for December 19, 2011 at 2:45 PM, the Government will file a Superseding Information (the "Superseding Information") in the above-referenced case. The parties anticipate that at the conference, Enrica Cotellessa-Pitz ("Cotellessa-Pitz"), former Controller of Bernard L. Madoff Investment Securities LLC ("BLMIS"), will plead guilty to the Superseding Information pursuant to a cooperation agreement with the Government. The Superseding Information charges that Cotellessa-Pitz conspired to falsify records of a broker-dealer, falsify records of an investment adviser, make false filings with the Securities and Exchange Commission ("SEC"), and obstruct and impede the lawful governmental function of the Internal Revenue Service, by participating with other co-conspirators to (a) create false BLMIS books and records including, among other things, the BLMIS General Ledger and Stock Record, (b) create false and fraudulent documents in connection with an SEC audit of BLMIS, and (c) create false and fraudulent documents in connection with tax audits of Bernard L. Madoff.

The Superseding Information also charges substantive counts of falsifying records of a broker-dealer, falsifying records of an investment adviser, and making false filings with the SEC. A chart of the anticipated charges in the Superseding Information and the maximum penalties is attached.

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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 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

cc: David M. Rody, Esq.  
Timothy J. Treanor, Esq.  
(Counsel to Enrica Cotellessa-Pitz)

SO ORDERED.

NEW YORK, NY

Laura Taylor Swain  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

Dec 15, 2011

**United States v. Enrica Cotellessa-Pitz, S5 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; (3) Make False Filings with the SEC; and (4) Obstruct and Impede the Lawful Governmental Function of the IRS. | 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>          | 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>THREE</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>FOUR</b>         | Making False Filings with the SEC   | 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; and restitution.                      |