



**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*

September 11, 2012

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. Irwin Lipkin  
S8 10 Cr. 228 (LTS)

Dear Judge Swain:

The Government anticipates that at a court appearance scheduled for September 13, 2012 at 12:45 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

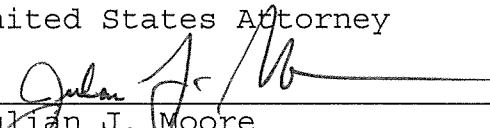
Honorable Laura Taylor Swain  
September 11, 2012  
Page 2

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)

**United States v. Irwin Lipkin, S8 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) 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.
<b>TWO</b>	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.