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**PLEASE TAKE NOTICE** that on Monday, June 1, 2009 at 10:00 a.m., or as soon thereafter as counsel may be heard, Defendant shall move before the Honorable Stanley R. Chesler, United States District Judge, at the Martin Luther King Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for the entry of an Order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing with prejudice Plaintiffs' Complaint.

**PLEASE TAKE FURTHER NOTICE** that in support of their Motion, Defendant will rely upon his Brief and the Declaration of Charles T. Spada, Esq., in support thereof and filed contemporaneously herewith, any reply papers in support thereof, and oral argument, which is respectfully requested.

A proposed form of Order is submitted herewith for the Court's consideration.

Respectfully submitted,

**SAIBER LLC**  
Attorneys for Defendant Peter Madoff

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