Charles T. Spada (cspada@lswlaw.com)

LANKLER SIFFERT & WOHL LLP

500 Fifth Avenue, 33rd Floor New York, New York 10110 (212) 921-8399

William F. Maderer (wmaderer@saiber.com)

Michael J. Grohs (mgrohs@saiber.com)

SAIBER LLC

One Gateway Center, 13th Floor Newark, New Jersey 07102-5311 (973) 622-3333

Attorneys for Defendant Peter Madoff

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

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THE LAUTENBERG FOUNDATION, : JOSHUA S. LAUTENBERG and : ELLEN LAUTENBERG, :

Civil Action No. 09-00816 (SRC)(MAS)

Plaintiffs,

NOTICE OF DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT

VS.

PURSUANT TO RULE 12(b)(6)

PETER MADOFF,

DOCUMENT ELECTRONICALLY FILED

Defendant.

ORAL ARGUMENT REQUESTED

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TO: Ronald J. Riccio, Esq.

Louis A. Modugno, Esq.

Greg Trif, Esq.

McElroy, Deutsch, Mulvaney & Carpenter, LLP

1300 Mount Kemble Avenue

P.O. Box 2075

Morristown, New Jersey 07962

Michael R. Griffinger, Esq.

Gibbons P.C.

One Gateway Center

Newark, New Jersey 07102

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

By: /s/ William F. Maderer

William F. Maderer (wmaderer@saiber.com)

Michael J. Grohs (mgrohs@saiber.com)

One Gateway Center, 13th Floor

Newark, New Jersey 07102

(973) 622-3333

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Charles T. Spada (cspada@lswlaw.com) **LANKLER SIFFERT & WOHL LLP** 500 Fifth Avenue, 33rd Floor New York, New York 10110 (212) 921-8399

Dated May 4, 2009