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September 25, 2009

Honorable Michael A. Shipp, U.S.M.J.
United States District Court
for the District of New Jersey
M.L. King Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

RE: *The Lautenberg Foundation v. Madoff*
Civil Action No. 09-00816 (SRC) (MAS)

Dear Judge Shipp:

I, along with Michael Griffinger of the Gibbons Firm, represent Plaintiffs in the above captioned matter.

On April 15, 2009 Your Honor conducted a case management conference pursuant to Fed. R. Civ. Pro. 16(a)(1) and L.C.R. 16.1(a)(2). The purpose of the conference was to discuss setting a date for the deposition of Defendant Peter Madoff ("Defendant"). At the conference Your Honor declined to set a date for Defendant's deposition pending decision on Defendant's motion to dismiss Plaintiffs' Complaint. Defendant's motion to dismiss was denied by Judge Chesler in a comprehensive Opinion on September 9, 2009. Accordingly, I respectfully request that Your Honor schedule a case management conference for the purpose of (i) setting a date for Defendant's deposition; and/or (ii) setting a date by which Defendant must inform Plaintiffs whether he is asserting his Fifth Amendment Privilege not to testify in this matter.

The Complaint in this case was filed seven months ago on February 25, 2009. There has been no discovery to date. Since Judge Chesler's September 9, 2009 Opinion, I have agreed to a Stipulation extending Defendant's time to answer until October 7, 2009. I have also requested Defendant provide me with (i) a date for Defendant's deposition; and/or (ii) a

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

The Honorable Michael A. Shipp, U.S.M.J.
United States District Court, District of New Jersey
September 25, 2009
Page 2

statement as to whether Defendant is invoking his rights under the Fifth Amendment not to give deposition testimony. For a variety of reasons Defendant has refused both of my requests.

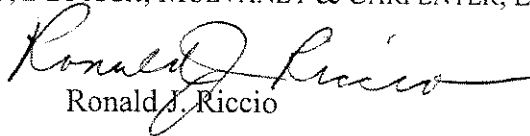
It was my understanding based on the April 15 conference, that Your Honor intended to address the matter of Defendant's deposition immediately after disposition of his motion to dismiss, unless the matter could be resolved by agreement of counsel. Unfortunately, the matter cannot be resolved by agreement of counsel.

Based on the foregoing, I respectfully request that Your Honor schedule a conference as soon as it is convenient for Your Honor. Counsel for Plaintiff are available the afternoon of October 2, 2009.

Thank you for your consideration of this request.

Very truly yours,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP


Ronald J. Riccio

RJR/msp

cc: Charles T. Spada, Esquire
William F. Maderer, Esquire
Michael Griffinger, Esquire