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October 19, 2009

Honorable Michael A. Shipp, U.S.M.J.
United States District Court
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 write on behalf of all counsel in the above matter. We understand that Your Honor is being considered for a District Court position in New Jersey. Because New Jersey Senator Lautenberg has an interest on behalf of plaintiffs in this case, all parties agree that it would be best if Your Honor recused yourself from any further involvement with this case.

By copy of this letter, we are requesting Judge Chesler to assign this case to another Magistrate Judge, along with the pending request for an immediate conference to discuss setting a date for Peter Madoff's deposition.

We thank Your Honor for your consideration of this joint request.

Respectfully

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

Ronald J. Riccio

RJR//jmr

cc: Charles T. Spada, Esquire
William F. Maderer, Esquire
Michael Griffinger, Esquire
Honorable Stanley R. Chesler, U.S.D.J.