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October 23, 2009

Honorable Madeline Cox Arleo, U.S.M.J.  
United States District Court  
District of New Jersey  
M.L.King Federal Building & Courthouse  
50 Walnut Street, Room 2060  
Newark, New Jersey 07102

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

Dear Judge Arleo:

I, along with Michael Griffinger of the Gibbons Firm, represent Plaintiffs, the Lautenberg Foundation and others ("Plaintiffs") in the above-referenced matter. On October 20, 2009 Judge Shipp recused himself from this case. All Magistrate Judge responsibilities have now been transferred to Your Honor.

The Complaint in this matter was filed on February 25, 2009. On September 9, 2009, Judge Chesler rendered a comprehensive Opinion (Document No. 21) denying Defendant Peter Madoff's motion to dismiss. On October 13, 2009 Madoff filed his Answer to Plaintiff's Complaint. There has not yet been any discovery by either side. The parties have discussed a discovery plan, but have not yet agreed to a joint plan. We write, on behalf of Plaintiffs, to request that Your Honor schedule an in-person conference to discuss, among other things, setting a date for the deposition of Peter Madoff.

This case is eight months old. It involves the largest financial fraud in history. The sufficiency of the allegations in our Complaint have been sustained. There is, therefore, no good reason why discovery, in particular the deposition of Peter Madoff, should be further delayed.

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Page 2

If convenient for Your Honor, we would request that the conference be held the afternoon of November 4, 2009. We believe that the conference should not take more than one hour.

Respectfully submitted,

MCÉLROY, DEUTSCH, MULVANEY & CARPENTER, LLP



Ronald J. Riccio

RJR/msp

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

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