

**MCELROY, DEUTSCH,  
MULVANEY & CARPENTER, LLP**  
1300 Mt. Kemble Avenue, Box 2075  
Morristown, New Jersey 07962-2075  
(973) 993-8100

**GIBBONS, P.C.**  
One Gateway Center  
Newark, New Jersey 07102  
(973) 596-4500

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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

Plaintiffs,

-against-

PETER MADOFF,

Defendants.

Civil Action No.: 09-00816 (SRC) (MCA)

*Document electronically filed.*

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

TO: William F. Maderer, Esq.  
**SAIBER LLC**  
18 Columbia Turnpike, Suite 200  
Florham Park, NJ 07932-2266

Michael Grohs, Esq.  
**SAIBER LLC**  
One Gateway Center, 13th Floor  
Newark, NJ 07102

**PLEASE TAKE NOTICE** that on, April 19, 2010, at 9:00 a.m., or as soon thereafter as counsel may be heard, Gibbons P.C. and McElroy, Deutsch, Mulvaney & Carpenter, LLP, attorneys for Plaintiffs The Lautenberg Foundation, Joshua S. Lautenberg and Ellen Lautenberg (“Plaintiffs”) shall move before the Court, in the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ

07101, for an Order granting Plaintiffs' motion for summary judgment against Defendant Peter Madoff ("Madoff") with respect to Count Three of Plaintiffs' Complaint.

**PLEASE TAKE FURTHER NOTICE** that a copy of the proposed Order is included with this Notice.

**PLEASE TAKE FURTHER NOTICE** that, in support of the Motion, the Plaintiffs shall rely on the accompanying Memorandum of Law, Statement of Material Facts, Declaration of Ronald Riccio, Esq., Declaration of Joshua S. Lautenberg, Declaration of Ellen Lautenberg, Declaration of Eleanor Rigolosi, Proposed Form of Order, and all other pleadings and memoranda on file in this matter.

**PLEASE TAKE FURTHER NOTICE** that no trial is presently scheduled in this matter.

**PLEASE TAKE FURTHER NOTICE** that Plaintiffs request oral argument in the event this Motion is contested.

Dated: March 12, 2010  
Newark, New Jersey

By: s/ Michael R. Griffinger

Michael R. Griffinger, Esq.  
Jonathan S. Liss, Esq.  
**GIBBONS P.C.**  
One Gateway Center  
Newark, New Jersey 07102-5310  
P (973) 596 4500  
F (973) 596 0545  
[mgriffinger@gibbonslaw.com](mailto:mgriffinger@gibbonslaw.com)

Ronald J. Riccio, Esq.  
**MCELROY, DEUTSCH,  
MULVANEY & CARPENTER, LLP**  
1300 Mt. Kemble Avenue, Box 2075  
Morristown, New Jersey 07962-2075  
(973) 993-8100

Attorneys for Plaintiffs