

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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REPEX VENTURES S.A., on Behalf of Itself and )  
All Others Similarly Situated, )

Plaintiff, )

v. )

BERNARD L. MADOFF; BANK MEDICI S.A.; )  
SONJA KOHN; PETER SCHEITHAUER; )  
HERALD USA FUND; HERALD LUXEMBURG )  
FUND; BANK AUSTRIA CREDITANSTALT; )  
UNICREDIT S.A.; PRIMEO SELECT FUND; )  
PRIMEO EXECUTIVE FUND; PIONEER )  
ALTERNATIVE INVESTMENTS; THEMA )  
INTERNATIONAL FUND PLC; ERNST & )  
YOUNG S.A., AND HSBC SECURITIES )  
SERVICES, S.A., )

Defendants. )

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Civil Action No. 09-CV-289-RMB

**CLASS ACTION**

**ECF CASE**

**DECLARATION OF TIMOTHY J. BURKE IN SUPPORT OF THE  
MOTION OF THE REPEX GROUP FOR APPOINTMENT AS LEAD  
PLAINTIFF PURSUANT TO § 21D(a)(3)(B) OF THE SECURITIES  
EXCHANGE ACT OF 1934 AND APPROVAL OF SELECTION OF LEAD COUNSEL**

I, Timothy J. Burke, hereby declare:

1. I am an attorney at the law firm of Stull, Stull & Brody. I submit this Declaration in support of the motion of the Repex Group for consolidation, appointment as lead plaintiff and approval of selection of Stull, Stull & Brody as Lead Counsel.

2. Attached hereto as Exhibit A is a true and correct copy of the notice of pendency published over *Business Wire*, a national, business-oriented news wire service, on January 12, 2009.

3. Attached hereto as Exhibit B is a true and correct copy of the plaintiff certifications executed on behalf of Repex Ventures S.A. and Radovan Fijember, which demonstrate Movant's class standing and requisite financial interest in the outcome of the litigation.

4. Attached hereto as Exhibit C is a true and correct copy of Stull, Stull & Brody's firm résumé.

Signed under penalties of perjury this 13th day of March, 2009.

By:                     s/ Timothy J. Burke                      
Timothy J. Burke (Admitted *Pro Hac Vice*)  
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