

EXHIBIT B

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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff*

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

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor,

No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor,

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 10-_____ (BRL)

SONJA KOHN a/k/a SONJA BLAU KÔHN a/k/a
SONJA BLAU a/k/a SINJA KÔHN a/k/a SINJA
BLAU a/k/a SINJA TÜRK, ERWIN KOHN, NETTY
BLAU, ROBERT ALAN KOHN, RINA
HARTSTEIN (NÉE KOHN), MOISHE HARTSTEIN,

RICO CASE STATEMENT

MORDECHAI LANDAU, ERKO, INC.,
EUROVALEUR, INC., INFOVALEUR, INC.,
TECNO DEVELOPMENT & RESEARCH S.R.L.,
TECNO DEVELOPMENT & RESEARCH LTD.,
SHLOMO (MOMY) AMSELEM, HASSANS
INTERNATIONAL LAW FIRM, HERALD ASSET
MANAGEMENT LTD., 20:20 MEDICI AG f/k/a
BANK MEDICI AG, PETER SCHEITHAUER,
ROBERT REUSS, UNICREDIT BANK AUSTRIA
AG, GERHARD RANDA, STEFAN ZAPOTOCKY,
BANK AUSTRIA WORLDWIDE FUND
MANAGEMENT LTD., URSULA RADEL-
LESZCZYNSKI, UNICREDIT S.P.A.,
ALESSANDRO PROFUMO, PIONEER GLOBAL
ASSET MANAGEMENT, S.P.A., et al.,

Defendants.

PLAINTIFF'S RICO CASE STATEMENT

Plaintiff Irving H. Picard (the "Trustee"), as Trustee for the liquidation of the business of BLMIS and the substantively consolidated estate of Madoff under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa et seq. ("SIPA"), by his undersigned counsel, submits this RICO Case Statement and accompanying Complaint (which this RICO Case Statement incorporates by reference) based on the information currently available to the Trustee. Given the scope of Madoff's Ponzi scheme (the "Ponzi scheme"), the deceptive nature of Defendants¹, and the deliberately Byzantine structure of the Medici Enterprise, certain information about the Illegal Scheme has been purposefully concealed from the Trustee (and the United States and certain U.S. and foreign law enforcement and regulatory agencies) and will only become available through discovery. The Trustee reserves his right to amend this RICO Case Statement and accompanying Complaint as information is learned and discovery is obtained.

¹ The Trustee asserts against Hassans only U.S. and New York State bankruptcy claims in relation to its receipt of transfers from Kohn, via HAM. All references herein to "Defendants" or "All Defendants" in relation to all non-bankruptcy claims does not include Hassans.

a. State whether the alleged unlawful conduct is in violation of 18 U.S.C. §§1962 (a), (b), (c) and/or (d):

Defendants' unlawful conduct in furtherance of the Illegal Scheme is in violation of 18 U.S.C. §§ 1962(c) and (d). As set forth fully herein, and as alleged in the accompanying Complaint, Defendants conducted and/or participated, both directly and indirectly, in the conduct of an enterprise through a pattern of racketeering activity, and they further willfully combined, conspired, and agreed to violate 18 U.S.C. §§ 1962(c); that is, to participate directly or indirectly in the conduct of the affairs of the enterprise through a pattern of racketeering activity in violation of 18 U.S.C. § 1962(d).

Defendants' racketeering activity consisted of repeated and related acts of: (i) money laundering in violation of 18 U.S.C. § 1956; (ii) engaging in monetary transactions in property derived from specific unlawful activity in violation of 18 U.S.C. § 1957; (iii) wire fraud in violation of 18 U.S.C. § 1343; (iv) financial institution fraud in violation of 18 U.S.C. § 1344; (v) mail fraud in violation of 18 U.S.C. § 1341; and (vi) interstate and international travel in violation of the Travel Act, 18 U.S.C. § 1952.

b. List each Defendant and describe the alleged misconduct and basis of liability of each Defendant:

The members of the Medici Enterprise are grouped according to their main affiliation:

A. Kohn Family Defendants

1. Sonja Kohn ("Kohn")
2. Erwin Kohn ("E. Kohn")
3. Netty Blau ("Blau")
4. Moishe Hartstein ("M. Hartstein")
5. Rina Hartstein ("R. Hartstein")
6. Mordechai Landau ("Landau")
7. Robert Alan Kohn ("R. Kohn")

B. Kohn Sham Entity Defendants

1. Kohn's New York Sham Entity Defendants
 - a. Erko, Inc. ("Erko")
 - b. Eurovaleur, Inc. ("Eurovaleur")
 - c. Infovaleur, Inc. ("Infovaleur")

- d. Robert Reuss (“Reuss”)
 - e. Palladium Capital Advisors LLC (“Palladium”)
 - f. Windsor IBC, Inc. (“Windsor”)
 - 2. Kohn’s Cayman Sham Entity Defendants
 - a. Herald Asset Management Ltd. (“HAM”)
 - b. Franco Mugnai (“Mugnai”)
 - c. Paul de Sury (“de Sury”)
 - d. Daniele Cosulich (“Cosulich”)
 - 3. Kohn’s Italian Sham Entity Defendants
 - a. Tecno Development & Research S.r.l. (“Tecno Italy”)
 - b. Mariadelmar Raule (“Raule”)
 - 4. Kohn’s Gibraltar Sham Entity Defendants
 - a. Tecno Development & Research Ltd. (“Tecno Gibraltar”)
 - b. Shlomo (Momy) Amselem (“Amselem”)
 - 5. Kohn’s Austrian Sham Entity Defendants
 - a. Sofipo Austria GmbH (“Sofipo”)
 - b. M-Tech Services GmbH (“M-Tech”)
- C. Bank Medici Defendants
 - 1. Bank Medici Corporate Defendants
 - a. Bank Medici AG (“Bank Medici”)
 - b. Absolute Portfolio Management Ltd. (“APM Cayman”)
 - c. MediciFinanz Consulting GmbH (“MediciFinanz”)
 - d. Medici S.r.l. (“Medici S.r.l.”)
 - e. Medici Cayman Islands Ltd. (“Medici Cayman”)
 - f. Bank Medici AG (Gibraltar) (“Bank Medici Gibraltar”)

- g. Hassans International Law Firm (“Hassans”)
 - h. ReviTrust Services Est. (“Revi”)
 - 2. Bank Medici Individual Defendants
 - a. Peter Scheithauer (“Scheithauer”)
 - b. Helmuth Frey (“Frey”)
 - c. Manfred Kastner (“Kastner”)
 - d. Josef Duregger (“Duregger”)
 - e. Andreas Pirkner (“Pirkner”)
 - f. Werner Tripolt (“Tripolt”)
 - g. Andreas Schindler (“Schindler”)
- D. Financial Institution Defendants
 - 1. Bank Austria Corporate Defendants
 - a. UniCredit Bank Austria AG (“Bank Austria”)
 - b. Bank Austria Worldwide Fund Management Ltd. (“BA Worldwide”)
 - c. Bank Austria Cayman Islands Ltd. (“Bank Austria Cayman”)
 - 2. Bank Austria Individual Defendants
 - a. Gerhard Randa (“Randa”)
 - b. Friedrich Kadarnoska (“Kadarnoska”)
 - c. Stefan Zapotocky (“Zapotocky”)
 - d. Ursula Radel-Leszczyński (“Radel-Leszczyński”)
 - e. Werner Kretschmer (“Kretschmer”)
 - f. Wilhelm Hemetsberger (“Hemetsberger”)
 - g. Harald Nograsek (“Nograsek”)
 - 3. UniCredit Corporate Defendants

- a. UniCredit S.p.A. (“UniCredit”)
- b. Pioneer Global Asset Management S.p.A. (“Pioneer”)
- 4. UniCredit Individual Defendants
 - a. Alessandro Profumo (“Profumo”)
 - b. Gianfranco Guty (“Guty”)
- E. Kohn’s Holding Company Defendants
 - 1. Brera Servizi Aziendale S.r.l. (“Brera”)
 - 2. Redcrest Investments, Inc. (“Redcrest”)
 - 3. Line Group Ltd. (“Line Group”)
 - 4. Line Management Services Ltd. (“Line Management”)
 - 5. Line Holdings Ltd. (“Line Holdings”)
 - 6. Herald Consult Ltd. (“Herald Consult”)
- F. John and Jane Doe Defendants 1-100

The relevant Non-Defendant Bad Actors are grouped according to their main affiliation:

- G. Bernard L. Madoff Investment Securities LLC (“BLMIS”)
 - 1. Bernard L. Madoff Investment Securities LLC
 - a. Bernard L. Madoff (“Madoff”)
 - b. Frank DiPascali (“DiPascali”)
 - 2. Cohmad Securities Corporation (“Cohmad”)
 - a. Cohmad Securities Corporation
 - b. Maurice (Sonny) Cohn (“Cohn”)
 - 3. Madoff Securities International Ltd. (“MSIL”)
 - a. Madoff Securities International Ltd.
 - b. Leon Flax (“Flax”)
 - c. Steven Raven (“Raven”)

- H. Medici Enterprise Feeder Funds
 - 1. Primeo Fund Ltd. (“Primeo Fund”)
 - 2. Thema International Fund plc (“Thema International”)
 - 3. Alpha Prime Fund Ltd. (“Alpha Prime Fund”)
 - 4. Herald Fund SPC (“Herald Fund”)
 - 5. Senator Fund Ltd. (“Senator Fund”)
 - 6. Herald (Lux) SICAV (“Herald (Lux)”)
- I. Pioneer Global Asset Management S.p.A. Agents
 - 1. Alberto La Rocca (“La Rocca”)
 - 2. Paul Tiranno (“Tiranno”)
- J. Kohn’s Slush Fund Recipients
 - 1. Gerila Beteiligungsverwaltungs GmbH (“Gerila”)
- K. Bank Medici Agents
 - 1. Alexandra Lavi (“Lavi”)
 - 2. Susanne Giefing (“Giefing”)
 - 3. Medici Realty Ltd. (“Medici Realty”)
 - 4. FundsWorld Financial Services Ltd. (“FundsWorld”)
- L. Eurovaleur Agents
 - 1. Anne Kritzer (“Kritzer”)
 - 2. Thomas Grasso (“Grasso”)
- M. Kohn’s Other New York Agents
 - 1. Medici Fund Management Company, Inc. (“Medici Fund Management”)
 - 2. Medici Finance Services, Inc. (“Medici Finance Services”)

A. KOHN FAMILY DEFENDANTS

- 1. Sonja Kohn (“Kohn”).** Kohn is the Mastermind of the Illegal Scheme and the Medici Enterprise. She is a citizen of Austria and resided in New York from 1983 to 1994. On information and belief, Kohn traveled to New York in relation to the Illegal Scheme as recently as late 2008. Although Kohn’s daughter and grandchildren live near New York City, Kohn has stayed outside the United States since Madoff confessed.

Kohn established and controls companies in New York that are her alter egos and are critical members of the Medici Enterprise. These include Eurovaleur, Infovaleur, Erko, and Windsor. Kohn and certain of her co-conspirators employed these members of the Medici Enterprise to further the Illegal Scheme. She also owns and controls certain Non-Defendant Bad Actors involved in the Illegal Scheme such as Medici Fund Management and Medici Finance Services in New York.

In the mid 1980s, while living in New York and working at Merrill Lynch & Co., Cohn of Cohmad introduced Kohn to Madoff. Madoff paid Cohmad at least \$526,000 for this introduction. Kohn and Madoff agreed that he would secretly pay Kohn for soliciting investors for BLMIS. Kohn immediately began soliciting investors for Madoff’s Ponzi scheme in New York, initiating the Illegal Scheme and laying the foundation for the Medici Enterprise.

Through Bank Medici, Kohn and others conspired to solicit investors in Madoff’s Ponzi scheme through Primeo Fund, Herald Fund, Thema International, Alpha Prime Fund, Senator Fund, and Herald (Lux) (collectively “the Medici Enterprise Feeder Funds”). With the assistance of Bank Austria, Bank Medici acquired an Austrian banking license in December 2003. Kohn, Bank Medici, HAM, Bank Austria (and later UniCredit), and others conspired to solicit investors for Madoff’s Ponzi scheme in the United States, Europe, the former Soviet Union, and elsewhere.

Kohn (herself and acting through HAM, Eurovaleur, Infovaleur, Erko, Tecno Italy, Tecno Gibraltar, and Windsor) committed acts of mail fraud, wire fraud, financial institution fraud, interstate and foreign travel in violation of the Travel Act, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- 2. Erwin Kohn (“E. Kohn”).** Kohn’s husband E. Kohn is a resident of Switzerland and resided in New York from 1983 to 1994. E. Kohn is a member of the Medici Enterprise. E. Kohn furthered the Illegal Scheme by, among other things, traveling to London on behalf of Kohn’s New York Sham Entity Erko to collect illegal payments of stolen Customer Property² from MSIL. E. Kohn is a director

² SIPA § 78 III(4) defines “Customer Property” “as cash and securities . . . at any time received, acquired, or held by

of Medici Realty in Gibraltar. Bank Medici Gibraltar and Hassans own Medici Realty.

E. Kohn received slush fund payments of stolen Customer Property from Infovaleur and Tecno Gibraltar.

E. Kohn (himself and through Erko) committed acts of interstate and foreign travel in violation of the Travel Act, money laundering, wire fraud, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- 3. Netty Blau (“Blau”).** Blau is Kohn’s mother. She is a citizen of Austria. Blau is a member of the Medici Enterprise. Blau owned and managed Kohn’s Italian Sham Entity, Tecno Italy. Blau conspired with Kohn, Raule, and Tecno Italy to receive at least \$14,601,000 of stolen Customer Property in kickbacks from Madoff.

Blau (herself and through Tecno Italy) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- 4. Moishe Hartstein (“M. Hartstein”).** M. Hartstein is one of Kohn’s sons-in-law. M. Hartstein is a U.S. citizen and resident of New York. M. Hartstein is a member of the Medici Enterprise. M. Hartstein and Kohn’s daughter R. Hartstein live in a house sold to them by Kohn and E. Kohn on December 26, 2006. This residence also served as the mailing address for New York Sham Entity Infovaleur and R. Kohn. On information and belief, M. Hartstein and R. Hartstein are recipients of proceeds of the Illegal Scheme.

M. Hartstein conspired with Kohn to operate at least one of Kohn’s New York Sham Entities by acting as a broker for Eurovaleur. M. Hartstein was registered as a broker for Eurovaleur as of July 1998 in New York. He was also registered as a broker for Palladium in January 2005. M. Hartstein is a director of investment banking at Palladium. As of December 10, 2009, M. Hartstein is registered as a broker with Eurovaleur and Palladium. M. Hartstein, himself and through Palladium received payments via check from Kohn’s Sham Entity Infovaleur. These payments began on February 19, 2003 and continued until at least March 4, 2009.

M. Hartstein (himself and through Eurovaleur and Palladium) committed acts of money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

or for the account of a debtor from or for the securities accounts of a customer, and the proceeds of any such property transferred by the debtor, including property of unlawfully converted.”

5. **Rina Hartstein (“R. Hartstein”).** R. Hartstein is Kohn’s and E. Kohn’s daughter. Upon information and belief, R. Hartstein is a U.S. citizen and resident of Monsey, New York. R. Hartstein is a member of the Medici Enterprise. R. Hartstein received payments via check from Kohn’s New York Sham Entity Infovaleur.

R. Hartstein committed acts of money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

6. **Mordechai Landau (“Landau”).** Landau is another of Kohn’s sons-in-law. He is a resident of Israel. Landau is a member of the Medici Enterprise. Landau and Kohn jointly owned Austrian Sham Entity M-Tech. On December 29, 2006, Kohn sold her interest in M-Tech to Landau. On June 30, 2008 and July 18, 2008, M-Tech received payments of stolen Customer Property from Kohn’s New York Sham Entity Infovaleur. On September 17, 2007, Landau personally received a payment from Infovaleur.

Landau (himself and through M-Tech) committed acts of money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

7. **Robert Alan Kohn (“R. Kohn”).** R. Kohn is Kohn’s and E. Kohn’s son. R. Kohn is a member of the Medici Enterprise. R. Kohn conspired with his mother and her New York Sham Entity Eurovaleur to further the Illegal Scheme. R. Kohn, like other Kohn Family Defendants, acted on behalf of Eurovaleur in furtherance of the Illegal Scheme. For example, on January 6, 2009, after Madoff confessed to running a Ponzi scheme, R. Kohn received stolen Customer Property from Infovaleur, care of Eurovaleur.

R. Kohn committed acts of money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

B. KOHN SHAM ENTITY DEFENDANTS

1. Kohn’s New York Sham Entity Defendants

- a. **Erko, Inc. (“Erko”).** On April 15, 1987, Kohn incorporated Erko in New York. At all relevant times, she was the 100% owner and manager of Erko. Erko is a member of the Medici Enterprise. Erko is the general partner of the holding company that wholly owns another Kohn-owned New York Sham Entity, Windsor. At all relevant times Erko had no legitimate business purpose and existed only to receive stolen Customer Property from BLMIS and further the Illegal Scheme.

Erko employed certain individuals who worked for Kohn at Windsor. Madoff did not distinguish among Kohn's Sham Entities and considered them all alter egos of Kohn. In furtherance of the Illegal Scheme, Kohn did not distinguish between her Sham Entities and treated them interchangeably.

As early as 1987, on information and belief, Erko began receiving illegal kickbacks in New York from Madoff. Even after Erko's dissolution on June 24, 1998, Kohn continued receiving payments from Madoff at her childhood address in Vienna, Austria on behalf of Erko. In total, Erko received at least \$11,058,054 from Madoff, all of which is stolen Customer Property.

Erko committed acts of wire fraud, interstate and foreign travel in violation of the Travel Act, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- b. Eurovaleur, Inc. ("Eurovaleur").** Kohn incorporated Eurovaleur in New York on March 26, 1990 and she is its sole shareholder. Eurovaleur is a member of the Medici Enterprise. The company remains active in New York and Kohn is listed as its president and CEO. Eurovaleur functioned as an alter ego of Kohn and certain of the Kohn Family Defendants. Eurovaleur shared the same address as Kohn's New York Sham Entities Infovaleur and Palladium. Eurovaleur held itself out under various guises, including a fund of hedge funds, a New York registered brokerage, a provider of research services, and "a European boutique investment bank."

At all relevant times, Eurovaleur had no legitimate business purpose and existed only further the Illegal Scheme. As set forth fully below, Eurovaleur received stolen Customer Property through 2008 and solicited investors for Madoff's Ponzi scheme as early as 1991. Eurovaleur has a central role in the Medici Enterprise and the Illegal Scheme:

- Kohn, through Eurovaleur, registered the "Primeo" trademark in New York in 1993 and transferred it to Bank Austria in December 2001.
- Eurovaleur served as the sub-adviser to BA Worldwide, the investment adviser to Primeo Fund from 1994 until 2007.
- From 1994 until 2007, Eurovaleur received 20% of all fees paid to BA Worldwide by Primeo Fund.
- In addition to certain Kohn Family Defendants including M. Hartstein, Eurovaleur employed Reuss, Grasso, and Kritzer.

Eurovaleur committed acts of wire fraud, financial institution fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, mail fraud, and conspiracy in furtherance of the Illegal Scheme.

- c. **Infovaleur, Inc. (“Infovaleur”).** On February 22, 1996, Kohn incorporated Infovaleur in New York. At all relevant times, she was the 100% owner and manager of Infovaleur. Infovaleur is a member of the Medici Enterprise. Throughout its existence it has used the same New York mailing address as Kohn’s Eurovaleur and employed certain of the same individuals. Infovaleur also used the Hartsteins’ residence as a mailing address.

At all relevant times, Infovaleur had no legitimate business purpose and existed only to receive stolen Customer Property from BLMIS and further the Illegal Scheme. Since 1998, Infovaleur received at the very least \$32,484,360.00 in illegal kickbacks from Madoff, all of which is stolen Customer Property. From 2000-2008 it was BLMIS’s third-highest paid “vendor.” As early as 2002, and as recently as 2009, after Madoff confessed to running a Ponzi scheme, Infovaleur transferred approximately \$2,284,007.81 to Kohn, members of her family, and close business associates. In furtherance of the Illegal Scheme, Kohn, through Infovaleur, transferred stolen Customer Property to at least two of her own Sham Entities, Kastner through APM Cayman, and made at least one payment to Scheithauer, the former CEO of Bank Medici.

Infovaleur committed acts of mail fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

- d. **Robert Reuss (“Reuss”).** Reuss is a citizen of Austria. He maintains a residence in New York. He is a former Vice-President of Eurovaleur and a former employee of Infovaleur. In his capacities as an employee of Eurovaleur and Infovaleur, Reuss resided in New York State. Reuss currently maintains a residence in New York, New York. Reuss presently acts as in-house counsel for Bank Medici. On information and belief, Reuss is not a lawyer. Reuss is a member of the Medici Enterprise.

Reuss (acting through himself, Infovaleur, and Eurovaleur) committed acts of wire fraud, mail fraud, financial institution fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- e. **Palladium Capital Advisors LLC (“Palladium”).** On May 12, 2004, Palladium was formed in Delaware with its principal place of business in

New York. Palladium is a member of the Medici Enterprise. Palladium maintains its principal place of business at the same New York address as Eurovaleur and Infovaleur. As of April 1, 2005, M. Hartstein was registered with FINRA as a broker with Palladium. Palladium was registered with the SEC (as a broker-dealer) and M. Hartstein was a registered securities principal of Palladium.

Beginning on August 5, 2006 and lasting until March 3, 2009, Palladium received stolen Customer Property from Infovaleur.

Palladium committed acts of money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

- f. **Windsor IBC, Inc (“Windsor”).** On July 15, 1987, Kohn incorporated Windsor in New York, New York. At all relevant times, Kohn was the owner and manager of Windsor. Erko was also a general partner of the holding company that owned Windsor. Windsor is a member of the Medici Enterprise. Windsor employed certain individuals who worked for Kohn at Eurovaleur. Through Windsor, Kohn solicited investors for Madoff’s Ponzi scheme. As to at least one of these investors who had a direct account with BLMIS, Kohn arranged for duplicates of his BLMIS account statements to be sent to her at the offices of Windsor.

Windsor committed acts of wire fraud and conspiracy in furtherance of the Illegal Scheme.

2. **Kohn’s Cayman Sham Entity Defendants**

- a. **Herald Asset Management Ltd. (“HAM”).** Kohn created HAM in the Cayman Islands on March 12, 2004. Its ownership structure is obscured by a complex web of interrelated companies engineered by Kohn using the services of Hassans. The ultimate beneficial owners of HAM, however, are Kohn and her husband, E. Kohn. HAM is a central member of the Medici Enterprise. HAM operated from, among other places, the offices of Medici S.r.l. and Tecno Italy in Milan. Bank Austria Cayman leased HAM its office space in the Cayman Islands.

Herald Fund was the largest of the Medici Enterprise Feeder Funds and it fed over \$1.5 billion dollars into BLMIS. This generated hundreds of millions of dollars in management, distribution, and other fees for HAM, Bank Medici, Bank Austria, and UniCredit. This structure of feeding money into BLMIS in return for fees for the Medici Enterprise is the crux of the “Money-In” aspect of the Illegal Scheme.

Kohn directs the activities of Bank Medici. Kohn directs the activities of

HAM, Kohn, Bank Medici, and HAM are symbiotic and inextricably linked.

HAM, among other things, purported to be the investment manager for Herald Fund. HAM received a management fee equal to 2% of the net asset value of Herald Fund, calculated on a monthly basis, as well as a performance fee equal to 10% of any increase in the net asset value of Herald Fund, also calculated on a monthly basis. HAM received at least \$101,759,189.25 from Herald Fund in management fees. Although BLMIS was in fact the investment manager, HAM held itself (and Bank Medici) out as performing Madoff's so-called Split Strike Conversion ("SSC") strategy. HAM and Bank Medici claimed that BLMIS was merely an executing broker that took orders from HAM as to which equities to buy and sell.

HAM committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- b. Franco Mugnai ("Mugnai").** Mugnai is a citizen of Italy. He is a director of HAM and Herald Fund and an employee of Medici S.r.l. Mugnai is a member of the Medici Enterprise. Mugnai and Kohn shared a personal secretary, Raule.

Mugnai personally received payments from HAM via wire transfer in foreign commerce. On information and belief, Mugnai received these transfers for marketing and distributing Herald Fund.

Mugnai (himself and through HAM) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- c. Paul de Sury ("de Sury").** De Sury is a resident of Italy. He is a former employee of Bank Medici S.r.l. and a former director of Herald Fund and HAM. De Sury is a member of the Medici Enterprise.

De Sury personally received payments from HAM via wire transfer in foreign commerce. On information and belief, de Sury received these transfers for marketing and distributing Herald Fund.

De Sury (himself and through HAM) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- d. **Daniele Cosulich (“Cosulich”).** Cosulich is a resident of the United Kingdom. Cosulich was instrumental in running the day-to-day activities of HAM and was employed by Medici S.r.l. Cosulich is a member of the Medici Enterprise. He also served as the Managing Director of Sofipo.

On April 2, 2007, Cosulich sent DiPascali of BLMIS a facsimile on behalf of HAM (but sent from Sofipo’s facsimile machine) informing BLMIS that Herald Fund would wire \$35 million to BLMIS through HSBC Securities Services (Luxembourg) (“HSBC SSL”). Moreover, Cosulich purported to speak on behalf of Primeo Fund in the same facsimile.

Cosulich personally received payments from HAM via wire transfer in foreign commerce. On information and belief, Cosulich received these payments for marketing and distributing Herald Fund through HAM, Bank Medici, and Sofipo.

Cosulich (himself and through HAM) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

3. **Kohn’s Italian Sham Entity Defendants**

- a. **Tecno Development & Research S.r.l. (“Tecno Italy”).** Tecno Italy is a Milan-based company incorporated on February 21, 2002. Tecno Italy is a member of the Medici Enterprise. Tecno Italy was 95% owned by Brera. On information and belief, Brera holds its 95% interest in Tecno Italy in trust for Kohn. The remaining 5% of Tecno Italy was directly owned by Kohn’s mother, Blau. Kohn, via Eurovaleur, registered the internet domain name of Tecno Italy in New York on January 30, 2004.

At all relevant times, Tecno Italy had no legitimate business purpose and existed only to receive stolen Customer Property from Madoff and further the Illegal Scheme. From May 21, 2002 through January 2, 2007, Tecno Italy received kickbacks of stolen Customer Property from Madoff totaling at least \$14,601,000. As with many of the Sham Entities owned and controlled by Kohn, Tecno Italy had strong connections to Bank Medici. Tecno Italy was located in the same offices as Medici S.r.l. (Via Andegari 18, 20121 Milan, Italy) and shared employees. Tecno Italy liquidated its assets on December 5, 2008, one week before Madoff confessed.

Tecno Italy committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- b. Mariadelmar Raule (“Raule”).** Raule is a citizen of Italy and personal assistant to Kohn and Mugnai. Raule is a member of the Medici Enterprise. She was an employee of both Medici S.r.l. and Tecno Italy, both of which operated from the same offices in Milan. She worked for Medici S.r.l. from 2006 to 2008.

Raule (herself and through Tecno Italy and Medici S.r.l.) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

4. Kohn’s Gibraltar Sham Entity Defendants

- a. Tecno Development & Research Ltd. (“Tecno Gibraltar”).** Tecno Gibraltar was incorporated on January 3, 2007, in Gibraltar. Tecno Gibraltar is a member of the Medici Enterprise. Tecno Gibraltar is located in the offices of Line Management, which is associated with Hassans. On information and belief, Kohn owns and controls Tecno Gibraltar. Its ownership structure is obscured by a complex web of interrelated companies orchestrated by Kohn and including Hassans. Tecno Gibraltar’s sole director is Amselem, an Israeli national residing in Gibraltar. Amselem is also an employee of Line Management.

At all relevant times, Tecno Gibraltar had no legitimate business purpose and existed only to receive stolen Customer Property from BLMIS and further the Illegal Scheme. On May 2007, Tecno Gibraltar replaced Tecno Italy as a vehicle for Kohn to receive kickbacks of stolen Customer Property from Madoff. In 2007, Tecno Gibraltar received approximately \$1,400,000 from Madoff. Additionally, in 2008, Tecno Gibraltar received at least \$3,000,000 directly from BLMIS in New York.

Tecno Gibraltar committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

- b. Shlomo (Momy) Amselem (“Amselem”).** Amselem is an Israeli national and resident of Gibraltar. He is the lone director of Tecno Gibraltar. Amselem is also employed by Line Management, which is associated with Hassans. Amselem is a member of the Medici Enterprise.

Amselem corresponded with Flax (of MSIL) via e-mail to confirm Madoff’s payments of stolen Customer Property via wire transfer to Tecno Gibraltar.

Amselem (himself and through Tecno Gibraltar) committed acts of wire

fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

5. Kohn's Austrian Sham Entity Defendants

- a. Sofipo Austria GmbH ("Sofipo").** Sofipo is an Austrian company owned by Bank Medici. Sofipo is a member of the Medici Enterprise. Until April 21, 2009, Sofipo was registered at the same address as Bank Medici. Kohn served as an assistant chairwoman and Managing Director of Sofipo. Cosulich replaced Kohn as the Managing Director of Sofipo.

Sofipo received transfers designated as "retrocession fees" via wire from HAM for marketing and distributing Herald Fund.

Sofipo committed acts of wire fraud, money laundering, and conspiracy in furtherance of the Illegal Scheme.

- b. M-Tech Service GmbH ("M-Tech").** M-Tech is an Austrian company founded on November 30, 2000. M-Tech is a member of the Medici Enterprise. From January 4, 2002 until January 4, 2007, Kohn owned 50% of M-Tech. She eventually sold her interest in M-Tech to her son-in-law Landau. Kohn served as M-Tech's Managing Director from January 4, 2002 until November 29, 2003. M-Tech also employed Bank Medici director Pirkner and Landau as managing directors. M-Tech went into liquidation in 2007.

On June 30, 2008 and July 18, 2008, Infovaleur made payments totaling \$47,000 of stolen Customer Property to the already liquidated M-Tech.

M-Tech committed acts of engaging in monetary transactions in property derived from specific unlawful activity, money laundering, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

C. BANK MEDICI DEFENDANTS

1. Bank Medici Corporate Defendants

- a. Bank Medici AG now d/b/a 20:20 Medici AG ("Bank Medici").** Bank Medici is located at Hegelgasse 17/17 1010 Vienna. Bank Medici is a member of the Medici Enterprise. Bank Medici began as a company named Anton-Schwarz GmbH, which was wholly owned by Bank Austria. In 1994, Bank Austria sold Kohn 90% of Anton-Schwarz GmbH and kept 10% ownership. Kohn named her company using various iterations of the "Medici" name, eventually settling on "Bank Medici." Upon its inception, Bank Medici immediately began distributing Primeo Fund, picking up where Eurovaleur started in New York.

With the assistance of Bank Austria and Randa, the Austrian government granted Kohn and Bank Medici an Austrian banking license in 2003. At all relevant times, Kohn was the controlling shareholder of Bank Medici and Bank Austria owned the remaining shares. At all relevant times Bank Austria operated Bank Medici as a de facto “branch.” Bank Austria’s internal records recorded Bank Medici as “Branch 1199.” This ownership and operating structure remains to this day.

Bank Medici, HAM, Bank Austria, and UniCredit are the operating nucleus of the “Money-In” aspect of the Illegal Scheme. Bank Medici and Bank Austria had a revolving door of officers and directors, many of which had no relevant experience selling financial products such as Primeo Fund, Herald Fund, and other Medici Enterprise Feeder Funds.

The vast majority of Bank Medici’s total income came only from peddling the Medici Enterprise Feeder Funds. On information and belief, the vast majority of these fees were paid to Bank Medici by HAM. The Trustee has limited visibility to the full range of fees and/or commissions paid to Bank Medici for its participation in the Illegal Scheme. At the very least, Bank Medici received \$62,207,095.10 for its various roles in the Medici Enterprise. On information and belief, the actual total received by Bank Medici over the course of the Illegal Scheme is many times this amount.

Bank Medici also served as the primary marketer, distributor, and investment manager of 100% BLMIS-invested Herald (Lux), and received a monthly management fee equal to 2% of the net asset value of Herald (Lux) and a monthly performance fee equal to 10% of any increase in the net asset value of Herald (Lux), also calculated on a monthly basis. Bank Medici also marketed, distributed, and managed Thema International for which it received at the very least \$45 million.

In 2007, Bank Medici received \$1,394,350 from Pioneer, the investment manager to Primeo Fund and wholly owned investment arm of UniCredit.

Bank Medici has many branded and de facto branches, each of which is a member of the Medici Enterprise: APM Cayman, MediciFinanz, Medici S.r.l., Medici Cayman, and Bank Medici Gibraltar, a “joint venture” with Hassans. On information and belief, Medici Finance Services and Medici Fund Management are financial institutions created by Kohn in New York to solicit investors into BLMIS. Bank Medici and Hassans also jointly own Medici Realty in Gibraltar. Bank Medici Gibraltar and Medici Realty are located in the offices of Hassans. Bank Medici and Kohn own and control Sofipo.

Months after Madoff’s confession, several key members of Bank Medici’s

management, including Scheithauer and Tripolt, resigned from their positions at Bank Medici. Around the same time, the Austrian Government seized control of Bank Medici and its assets. Sometime later, the Austrian Government stripped Bank Medici of its banking license.

Bank Medici and its subsidiaries (all controlled by Kohn) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, interstate and foreign travel in violation of the Travel Act, and conspiracy in furtherance of the Illegal Scheme.

- b. Absolute Portfolio Management Ltd. (“APM Cayman”).** Kastner incorporated APM Cayman in the Cayman Islands on April 19, 1999. APM Cayman is a member of the Medici Enterprise. Bank Medici owned 50% of APM Cayman.

Kastner owns and controls APM Cayman. Kastner also owns and controls APM Cayman’s sister company MediciFinanz. HAM paid APM Cayman for MediciFinanz’s distribution and marketing of Herald Fund and Primeo Fund. APM Cayman received over \$12,940,394.34 in payments from HAM, via wire transfer. APM Cayman was the second-largest recipient of transfers from HAM after Bank Medici itself.

Kastner, through APM Cayman, received \$780,047.15 in payments from Kohn’s New York Sham Entity Infovaleur in 2007 and 2008.

APM Cayman committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

- c. MediciFinanz Consulting GmbH (“MediciFinanz”).** Kastner incorporated MediciFinanz, a foreign corporation, in Germany on October 10, 1996. Kastner owns and controls this company. MediciFinanz is a member of the Medici Enterprise. Bank Medici owned 50% of MediciFinanz from its inception until some time in or about 2002. Bank Medici was an indirect owner of MediciFinanz. MediciFinanz operated as a de facto branch of Bank Medici. MediciFinanz is the sister company to APM Cayman.

MediciFinanz was the primary distributor and marketer of Herald Fund, Primeo Fund, Thema International, and Alpha Prime Fund in Germany.

Kastner, through MediciFinanz, owns and controls APM Cayman. HAM paid APM Cayman for MediciFinanz’s distribution and marketing of Herald Fund.

Kastner and MediciFinanz were involved in the creation of Bank Medici's Herald (Lux).

MediciFinanz committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

- d. **Medici S.r.l.** Medici S.r.l. is a branch of Bank Medici opened on October 24, 1997. Medici S.r.l. is a member of the Medici Enterprise. Bank Medici held a 51% shareholding of Medici S.r.l. Bank Medici held this majority shareholding until 2004, after which it appears to have held a 100% shareholding. Medici S.r.l. shared an address and personnel with Tecno Italy.

On information and belief, Kohn and other members of the Medici Enterprise solicited investors for the Medici Enterprise Feeder Funds in Medici S.r.l.'s offices.

Medici S.r.l. committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- e. **Medici Cayman Islands Ltd. ("Medici Cayman").** Medici Cayman is a wholly owned branch of Bank Medici incorporated on April 20, 2007. Medici Cayman is a member of the Medici Enterprise.

On information and belief, Kohn and other members of the Medici Enterprise solicited investors for the Medici Enterprise Feeder Funds in Medici Cayman's offices. Moreover, beginning on September 26, 2007, Medici Cayman received payments from HAM.

Medici Cayman committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- f. **Bank Medici AG (Gibraltar) ("Bank Medici Gibraltar").** In November 2004, Bank Medici and Hassans announced the opening of Bank Medici's Gibraltar branch. Bank Medici Gibraltar ultimately opened in January 2005. Bank Medici Gibraltar is a member of the Medici Enterprise. Bank Medici Gibraltar and Tecno Gibraltar are located in Hassans's offices. On information and belief, Bank Medici and Hassans jointly own Bank Medici Gibraltar.

On information and belief, Kohn and other members of the Medici

Enterprise solicited investors for the Medici Enterprise Feeder Funds in Bank Medici Gibraltar's offices.

Bank Medici Gibraltar committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- g. Hassans International Law Firm (“Hassans”).** Hassans is Gibraltar's premier law firm. Hassans is counsel to key members of the Medici Enterprise, including Kohn, Herald Fund, and on information and belief, HAM. Kohn has a longstanding relationship with Hassans. Bank Medici Gibraltar and Medici Realty are located in Hassans's offices. Certain partners and associates at Hassans also hold non-lawyer corporate positions at certain Holding Company Defendants controlled by Hassans, Kohn, or other members of the Medici Enterprise. These entities purport to offer private company management and private banking services and appear to be part of a deliberately complex structure orchestrated by Kohn and engineered Hassans that includes, for example, HAM, Cosulich, de Sury, Mugnai, Tecno Gibraltar, Bank Medici Gibraltar, and Medici Realty.

Hassans also received payments from Kohn via HAM via wire transfer. Days, if not hours, before Madoff confessed, HAM transferred \$6.5 million and €6.5 million to accounts in Gibraltar held by Hassans.

ReviTrust Services Est. (“Revi”). Revi is a Liechtenstein company that operates as a corporate registry and trust formation agent in Liechtenstein and Switzerland. Revi is a member of the Medici Enterprise.

At Kohn's direction, Revi received three payments from HAM in 2008 totaling approximately \$5.33 million. The purpose of these transfers was to extract and conceal the illicit proceeds of the Illegal Scheme as the collapse of BLMIS approached.

Revi committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

2. Bank Medici Individual Defendants

- a. Peter Scheithauer (“Scheithauer”).** Scheithauer is a citizen of Austria. Scheithauer is a member of the Medici Enterprise. Scheithauer worked for Bank Austria and its predecessors as far back as 1989. Scheithauer was an executive at Bank Austria until 1999 and was one of the co-creators of Primeo Fund, along with Kohn.

During his tenure with Bank Austria, Scheithauer was involved in the European launch of Primeo Fund (which Kohn and Eurovaleur registered and initially distributed in New York).

On September 1, 2008, Kohn hired him as Bank Medici's CEO. Scheithauer served as a director of Herald (Lux).

Scheithauer conspired with Kohn, Bank Medici, Bank Austria, UniCredit, and others to conceal BLMIS's role in Primeo Fund and other Medici Enterprise Feeder Funds. On December 23, 2008 (after Madoff confessed to running a Ponzi scheme), Scheithauer met with Lavi and Herald (Lux) investor Elena Shpe ("Shpe") in Vienna at the offices of Bank Medici. At that meeting Scheithauer denied that he knew that Herald (Lux) was 100% invested in BLMIS.

Scheithauer (himself and through Bank Austria and Bank Medici) received a \$15,000 check on August 25, 2008 from Kohn, via Infovaleur, approximately two weeks before beginning his employment with Bank Medici.

Scheithauer committed acts of wire fraud, financial institution fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- b. Helmuth Frey ("Frey").** Frey is a citizen of Austria. Frey is a member of the Medici Enterprise. In 2006, he joined Bank Medici's advisory board and was its CEO from 2006-2008. He met Kohn while working as a director of Bank of America in New York from 1973 to 1984. He oversaw the creation of Herald (Lux). Frey served as a director of Herald Fund.

Frey (himself and through Bank Medici) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- c. Manfred Kastner ("Kastner").** Kastner is a citizen of Austria. Kastner owns and controls APM Cayman. He also owns and controls Bank Medici's branch in Germany, MediciFinanz. Kastner is a member of the Medici Enterprise. Kastner worked in the offices of Medici Cayman (which received transfers from HAM) in 2000 and 2001.

Kastner marketed and distributed Herald Fund, Thema International, Primeo Fund, and Alpha Prime Fund. Kastner and MediciFinanz were also involved in the creation of Herald (Lux). Bank Medici (through

HAM) and Bank Austria paid Kastner for these services. Kohn, Bank Medici, and Bank Austria provided him with all of the marketing materials for Herald Fund, Thema International, and Primeo Fund (and, for at least Primeo Fund, complete with stamps from Bank Austria).

In the course of this distribution, Kastner and Kohn visited Madoff at the New York headquarters of BLMIS on at least two occasions.

Kastner also owns Gerila, through which Kastner received €600,000 from Kohn. On information and belief, this payment was a personal loan to help pay for expenses associated with Kastner's divorce. Kohn paid Kastner using HAM's accounts, which she used as a personal slush fund.

Kastner (himself and through APM Cayman and MediciFinanz) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, interstate and foreign travel in violation of the Travel Act, and conspiracy in furtherance of the Illegal Scheme.

- d. Josef Duregger (“Duregger”).** Duregger is a citizen of Austria. Duregger is a member of the Medici Enterprise. He was the head of the participations department at Bank Medici beginning in 2006. Duregger is currently a director of UniCredit CA-IB Securities UK Ltd. (“UniCredit UK”), a wholly owned UniCredit subsidiary. Duregger served as a director of BA Worldwide from 1993 until 2003. Duregger is a member of Bank Austria Cayman's Supervisory Board. He was a member of Bank Austria's Commercial Representation Board from 1991-1993 and from 1999 to the present. Duregger served as a director of Primeo Fund. Despite the implosion of Bank Medici in the wake of Madoff's confession, Duregger continues to serve as a member of 20:20 Medici's Advisory Board alongside Kohn.

Duregger helped create Primeo Fund with Kohn in 1993.

Duregger (himself and through Bank Medici, BA Worldwide, and Bank Austria Cayman Islands) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, mail fraud, and conspiracy in furtherance of the Illegal Scheme.

- e. Andreas Pirkner (“Pirkner”).** Pirkner is a citizen of Austria. Pirkner is a member of the Medici Enterprise. He was an employee of Bank Medici from 2003 to May 2008. In 2005, Pirkner became the head of institutional sales at Bank Medici. In 2007, Pirkner became a director of asset management at Bank Medici. Pirkner was involved in the creation, management, and distribution of Herald (Lux), was a managing director of

Herald (Lux), and a director of HAM. Pirkner also served as director of M-Tech. Pirkner was in regular contact with Nogrsek, the Head of Investment at Bank Austria. Pirkner was also the Bank Medici contact for due diligence questions regarding the Medici Enterprise Feeder Funds.

Pirkner (himself and through Bank Medici) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- f. Werner Tripolt (“Tripolt”).** Tripolt is a citizen of Austria. He joined Bank Medici in 2007 as an assistant to the managing board of directors and officially became a member of the board on January 2008. Tripolt is a member of the Medici Enterprise. Tripolt was responsible for the entire financial policy of Bank Medici, including credit and debit management, regulatory reporting, the bank’s company shareholdings, fund operations, and its infrastructure.

Tripolt (himself and through Bank Medici) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- g. Andreas Schindler (“Schindler”).** Schindler is a citizen of Austria. He was the head of asset management at Bank Medici. Schindler is a co-creator of Herald (Lux) and served as one of its directors. Schindler is a member of the Medici Enterprise. Schindler conspired with Kohn, Bank Austria, Bank Medici, and others to create misleading Bank Medici marketing presentations for at least Primeo Fund and Herald Fund.

Schindler (himself and through Bank Medici) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

D. FINANCIAL INSTITUTION DEFENDANTS

1. Bank Austria Corporate Defendants

- a. UniCredit Bank Austria AG (“Bank Austria”).** Bank Austria is an Austrian Bank headquartered in Vienna. Bank Austria is a member of the Medici Enterprise. In 2005, UniCredit acquired Bank Austria. At all relevant times, Bank Austria maintained a New York branch located at 150 E. 42nd Street, New York, New York. Historical records of the New York Department of State, Corporations Division, list a number of Bank Austria entities in New York including Bank Austria America, Inc., Bank Austria Creditanstalt American Corporation, Bank Austria Finance, Inc.,

Bank Austria Securities, Inc., and others.

Bank Austria, its parent and co-conspirators UniCredit, Bank Medici, and HAM are the operating nucleus of the “Money-In” aspect of the Illegal Scheme. Bank Medici and Bank Austria had a revolving door of officers and directors, many of whom had no relevant experience selling financial products such as Primeo Fund, Herald Fund, and other Medici Enterprise Feeder Funds. This structure enriched Bank Austria officers and directors personally, as well as furthered the Illegal Scheme.

Shortly after Kohn’s arrival in Vienna, Bank Austria opened a direct account with BLMIS (account number 1FN082) in 1995. The Account Maintenance File (“AMF”) recovered from BLMIS contains Zapotocky’s business card. This card has a handwritten notation containing Kohn’s phone number. The AMF also listed Kretschmer as Bank Austria’s primary contact for the account. Bank Austria’s direct account is a “net winner” and received approximately \$250,000 in fictitious profits. Despite Kohn knowing that Madoff was a fraud, Bank Austria lent its name and credibility to, and hence validated and bolstered, the Medici Enterprise Feeder Funds, including at least Primeo Fund, Herald Fund, and Herald (Lux).

Through Bank Medici, Kohn, Bank Austria, and other members of the Medici Enterprise furthered the Illegal Scheme by conspiring to solicit investors for Madoff’s Ponzi scheme initially through Primeo Fund.

Bank Austria owned 10% of Bank Medici from 1994 to 2003. Bank Austria was instrumental in securing a banking license for Bank Medici in 2003. Immediately thereafter, Bank Austria became the owner of 25% of Bank Medici. At all relevant times, Bank Austria operated Bank Medici as its de facto “branch” despite its minority share. Bank Austria referred to Bank Medici as “branch 1199” in internal records.

Bank Austria also entered into a Contract of Agency with Bank Medici under which all transactions of customers acquired and advised by Bank Medici were to take place via Bank Austria. All of Bank Medici’s accounts and portfolios were maintained by Bank Austria. In addition, Bank Austria agreed to assist Bank Medici in undertaking its due diligence obligations. For its services under the contract, Bank Austria received compensation from Bank Medici. Bank Austria not only tolerated the activity of its rogue branch, it encouraged, facilitated, and profited from it.

Bank Austria owns 95% of BA Worldwide. The Trustee has limited visibility to the full range of fees and/or commissions paid to Bank Austria as for its participation in the Illegal Scheme. At the very least, Bank Austria received at least \$31,729,922.09 for its various roles in the Medici

Enterprise. On information and belief, the actual total received by Bank Austria over the course of the Illegal Scheme is a multiple of this amount.

Bank Austria committed acts of wire fraud, interstate and foreign travel in violation of the Travel Act, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, mail fraud, and conspiracy in furtherance of the Illegal Scheme.

- b. Bank Austria Worldwide Fund Management Limited (“BA Worldwide”).** BA Worldwide was a subsidiary of Bank Austria incorporated in the British Virgin Islands on September 29, 1993. BA Worldwide is a member of the Medici Enterprise. BA Worldwide was the investment adviser to Primeo Fund from December 15, 1993 until April 25, 2007.

BA Worldwide received fees based on the net asset value of each of Primeo Fund’s two sub-funds, calculated on a monthly basis. Kohn’s Eurovaleur in New York received 20% of these fees for serving as a sub-adviser to BA Worldwide. BA Worldwide also served as the investment adviser to Alpha Prime Fund and received advisory fees equal to a percentage of the net asset value of the fund, calculated on a monthly basis. It also served as the investment adviser to Thema International. Over the course of the Illegal Scheme, BA Worldwide received at least \$68,472,933.69 in purported management and advisory fees.

In 1996 BA Worldwide and Bank Austria employed Radel-Leszczynski. Bank Austria and BA Worldwide promoted her to president of BA Worldwide in 2000. She was responsible for BA Worldwide’s management and operation. Beginning in the mid-1990s, Radel-Leszczynski, along with Zapotocky, Kretschmer, and Hemetsberger traveled to New York and met with Madoff at BLMIS headquarters approximately two to three times a year.

On, or about, April 25, 2007 UniCredit and Pioneer hired Radel-Leszczynski for the purpose of maintaining UniCredit’s connection to Madoff.

BA Worldwide committed acts of wire fraud, interstate and foreign travel in violation of the Travel Act, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- c. Bank Austria Cayman Islands Ltd. (“Bank Austria Cayman”).** Bank Austria Cayman is a branch of Bank Austria incorporated on October 12, 2000 in the Cayman Islands. Bank Austria Cayman is a member of the

Medici Enterprise. Its principal place of business is located at Whitehall House, 238 North Church Street, P.O. Box 31362, Seven Mile Beach, George Town, Grand Cayman, Cayman Islands, which is the same address as HAM.

Bank Austria Cayman received at least \$59,305.55 from HAM.

Bank Austria Cayman committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

2. **Bank Austria Individual Defendants**

- a. **Gerhard Randa (“Randa”)**. Randa is a citizen of Austria. From 1995 to 2003 he was the chairman of Bank Austria. Randa is a member of the Medici Enterprise. Randa was instrumental to the creation of Primeo Fund, and on information and belief, introduced Kohn to Bank Austria in the early 1990s. As chairman of Bank Austria, Randa was instrumental in the opening of Bank Austria’s BLMIS Account. Randa, through Bank Austria, on information and belief, played a crucial role in securing Bank Medici a banking license in 2003.

Randa was the Chief of Operations for Bank Austria’s parent company during UniCredit’s takeover of Bank Austria in 2005.

Randa (himself and through Bank Austria) committed acts of engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, wire fraud, mail fraud, and conspiracy in furtherance of the Illegal Scheme.

- b. **Friedrich Kadrnoska (“Kadrnoska”)**. Kadrnoska is a citizen of Austria. Kadrnoska is a member of the Medici Enterprise. From 1995 to 2003 he was a director and member of the management board of Bank Austria. Kadrnoska is currently a director of UniCredit. On information and belief, Kadrnoska purported to be Kohn’s liaison between Bank Austria and Bank Medici.

Kadrnoska (himself and through Bank Austria) committed acts of engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, wire fraud, and conspiracy in furtherance of the Illegal Scheme.

- c. **Stefan Zapotocky (“Zapotocky”)**. Zapotocky is a citizen of Austria. Zapotocky was employed by Bank Austria beginning in 1991 and was a member of the board of Bank Austria from 1997-2000. Zapotocky is a member of the Medici Enterprise. His responsibilities at Bank Austria included oversight of investments. He was instrumental in the creation of

Primeo Fund and served on its board. Zapotocky was responsible for overseeing BA Worldwide during his tenure at Bank Austria.

After leaving Bank Austria, Zapotocky conspired with Kohn and Radel-Leszczynski to launch Alpha Prime Fund. Zapotocky also served as a director of Alpha Prime Fund with Kohn. Zapotocky was also associated with Senator Fund

On information and belief, Zapotocky earned at least \$8 million for his various roles in the Medici Enterprise in furtherance of the Illegal Scheme.

Zapotocky, on behalf of both Bank Austria and BA Worldwide, traveled to New York to meet with Madoff two to three times a year at BLMIS headquarters. The purpose of these meetings was to discuss Bank Austria, BA Worldwide, and Bank Medici regarding their involvement with the Medici Enterprise Feeder Funds.

Zapotocky (himself and through Bank Austria) committed acts of interstate and foreign travel in violation of the Travel Act, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, wire fraud, and conspiracy in furtherance of the Illegal Scheme.

- d. Ursula Radel-Leszczynski (“Radel-Leszczynski”).** Radel-Leszczynski is a citizen of Austria. She was hired by Bank Austria and BA Worldwide in 1995. She became the president of BA Worldwide in 2000. Radel-Leszczynski is a member of the Medici Enterprise.

Radel-Leszczynski was instrumental to the creation of Alpha Prime Fund and Senator Fund. Certain other members of the Medici Enterprise referred to Radel-Leszczynski as the “figurehead of Primeo.” She was Madoff’s personal contact for any questions concerning Primeo Fund, Alpha Prime Fund, and Senator Fund. Radel-Leszczynski had a close personal working relationship with Madoff, and corresponded with him regularly.

On information and belief, Radel-Leszczynski is the ultimate beneficiary of the service providers to Senator Fund and earned millions of dollars for her roles in the Medici Enterprise in furtherance of the Illegal Scheme.

Radel-Leszczynski, on behalf of both Bank Austria and BA Worldwide, traveled to New York two to three times a year to meet with Madoff at BLMIS headquarters.

Radel-Leszczynski (herself and through BA Worldwide) committed acts of money laundering, wire fraud, interstate and foreign travel in violation

of the Travel Act, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- e. **Werner Kretschmer (“Kretschmer”)**. Kretschmer is a citizen of Austria. He was a director of Bank Austria from May 2006 until May 2008 and a director of Bank Medici beginning in 2006. Kretschmer is a member of the Medici Enterprise. Kretschmer was a director of BA Worldwide. Kretschmer, on behalf of both Bank Austria and BA Worldwide, traveled to New York to meet with Madoff two to three times a year at BLMIS headquarters. The purpose of these meetings was to discuss Bank Austria, BA Worldwide, and Bank Medici regarding their involvement with the Medici Enterprise Feeder Funds. Bank Austria’s AMF recovered from BLMIS names Kretschmer as the primary Bank Austria contact for the account.

Kretschmer committed acts of interstate and foreign travel in violation of the Travel Act, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, wire fraud, and conspiracy in furtherance of the Illegal Scheme.

- f. **Wilhelm Hemetsberger (“Hemetsberger”)**. Hemetsberger is an Austrian citizen. He was a director of Bank Austria from February 2001 to May 2008. Hemetsberger is a member of the Medici Enterprise. He was also a director of BA Worldwide from 1993-2003. Hemetsberger, on behalf of Bank Austria and BA Worldwide, traveled to New York to meet with Madoff two to three times a year at BLMIS headquarters. The purpose of these meetings was to discuss Bank Austria, BA Worldwide, and Bank Medici regarding their involvement with the Medici Enterprise Feeder Funds

Hemetsberger (himself and through Bank Austria and BA Worldwide) committed acts of interstate and foreign travel in violation of the Travel Act, wire fraud, and conspiracy in furtherance of the Illegal Scheme.

- g. **Harald Nogrased (“Nogrased”)**. Nogrased is an Austrian citizen. He was the Bank Austria employee responsible for all investments. Nogrased is a member of the Medici Enterprise. At Bank Austria, Nogrased “supervised” Bank Medici. Nogrased was director of Alpha Prime Fund and Primeo Fund. On information and belief, he was primarily responsible for managing the investments of Primeo Fund, which invested only in BLMIS.

Nogrased (himself and through Bank Austria) committed acts of wire fraud, mail fraud, and conspiracy in furtherance of the Illegal Scheme.

3. UniCredit Corporate Defendants

- a. **UniCredit S.p.A. (“UniCredit”).** UniCredit is an Italian banking consortium that acquired Bank Austria in 2005. UniCredit is a member of the Medici Enterprise and maintains a branch at 150 E. 42nd Street, New York, New York.

UniCredit has been involved with Madoff and BLMIS since at least 2000, through its wholly owned investment arm Pioneer. Pioneer was involved with BLMIS feeder funds Fairfield Sentry Ltd. and Kingate Global Fund Ltd. In 2007, after UniCredit acquired Bank Austria and Bank Medici, Pioneer took over from BA Worldwide as Primeo Fund’s investment manager. Kohn’s relationship with UniCredit predates its acquisition of Bank Austria.

Profumo, former CEO of UniCredit from 1997 until 2010, enjoyed a close working relationship with Kohn prior to his bank’s acquisition of Bank Austria in 2005.

Upon its acquisition of Bank Austria, UniCredit, through Pioneer, directed Primeo Fund to close its direct account with BLMIS in 2007 and invest with BLMIS indirectly through Herald Fund, Alpha Prime Fund, and REDACTED UniCredit memorialized its participation in the Illegal Scheme and entry into the Medici Enterprise by directing Pioneer to produce false prospectuses that concealed Primeo Fund’s investment in BLMIS.

UniCredit committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- b. **Pioneer Global Asset Management S.p.A. (“Pioneer”).** Pioneer was incorporated on October 19, 2000 under the laws of Italy. UniCredit created and wholly owns Pioneer. Pioneer is a member of the Medici Enterprise. One of Pioneer’s wholly owned subsidiaries replaced BA Worldwide as the investment adviser to Primeo Fund starting on April 25, 2007. Pioneer has a wholly owned subsidiary in New York, created in 2002, and located at 330 Madison Avenue, New York, New York 10017.

Pioneer paid Bank Medici approximately \$1,394,350 in retrocession fees sometime in 2007.

After the integration of UniCredit, Pioneer, Bank Austria, Bank Medici, and Primeo Fund, UniCredit and Pioneer began to be paid in the pattern and practice of the Medici Enterprise. From July 2008 until November 2008, HAM paid Pioneer at least \$9,439,787.95.

Pioneer committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

4. UniCredit Individual Defendants

- a. Alessandro Profumo (“Profumo”).** Profumo is an Italian citizen. He served as CEO of UniCredit from 1997 until September 21, 2010. Profumo is a member of the Medici Enterprise.

Profumo oversaw UniCredit’s acquisition of Bank Austria and Bank Medici and, on information and belief, directed the replacement of BA Worldwide by Pioneer as investment manager of Primeo Fund. All the while, Kohn maintained close relationships with Profumo and other UniCredit executives.

Profumo (through UniCredit and Pioneer) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- b. Gianfranco Gutty (“Gutty”).** Gutty is an Italian citizen. Gutty is a member of the Medici Enterprise. He served as Substitute Deputy Chairman of UniCredit from 2006-2008. Prior to this appointment, Gutty served on the board of UniCredit from 2005-2008. Gutty also served as a director for Bank Medici and PrivatLife AG (“PrivatLife”), a Liechtenstein based insurance company of which Kohn serves on the supervisory board and is the majority shareholder. Gutty remained on the Bank Medici board alongside Kohn until 2009.

Gutty (through Bank Medici, Pioneer, and UniCredit) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

E. HOLDING COMPANY DEFENDANTS

- 1. Brera Servizi Aziendale S.r.l. (“Brera”).** Brera is located in Milan, Italy, and was incorporated on November 7, 1981. Brera holds 95% of Tecno Italy in trust for an unknown beneficiary. On information and belief, this beneficiary is Kohn. Brera is a member of the Medici Enterprise.

Brera (through Tecno Italy) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

- 2. Redcrest Investments, Inc. (“Redcrest”).** Redcrest is a company located in the British Virgin Islands and incorporated on January 20, 2003. It is the corporate parent of Line Holdings, Line Management, Line Group, and Tecno Gibraltar. On information and belief, Redcrest holds its interests in Tecno Gibraltar in trust for Kohn. Redcrest is a member of the Medici Enterprise.

Redcrest (through Tecno Gibraltar) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

- 3. Line Group Ltd. (“Line Group”).** Line Group is a company incorporated in Gibraltar on January 14, 2008 and wholly owned by Redcrest. Line Group owns 100% of Line Management. A number of the directors of Line Group are partners or associates of Hassans. Line Group is a member of the Medici Enterprise.

Line Group (through Tecno Gibraltar) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

- 4. Line Management Services Ltd. (“Line Management”).** Line Management is a company incorporated in Gibraltar on March 22, 1995 and wholly owned by Line Group. Line Management owns 100% of Line Holdings. A number of the directors of this company are partners or associates of Hassans. Tecno Gibraltar’s sole director is also employed by Line Management. Line Management is a member of the Medici Enterprise.

Line Management (through Tecno Gibraltar) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, financial institution fraud, and conspiracy in furtherance of the Illegal Scheme.

- 5. Line Holdings Ltd. (“Line Holdings”).** Line Holdings is a company incorporated in Gibraltar on July 15, 1988 and wholly owned by Line Management. A number of the directors of this company are partners or

associates of Hassans. Line Holdings owns 100% of Herald Consult Limited and is a corporate parent of HAM. Line Holdings holds its interest in HAM in trust for Kohn and E. Kohn. Line Holdings is a member of the Medici Enterprise.

Line Holdings (through Tecno Gibraltar and HAM) committed acts of wire fraud, financial institution fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

6. **Herald Consult Ltd. (“Herald Consult”).** Herald Consult is a company incorporated in Gibraltar on March 12, 2004 and wholly owned by Line Holdings. Herald Consult owns 100% of HAM. Herald Consult’s parent, Line Holdings, holds its interest in HAM in trust for Kohn and E. Kohn. Herald Consult is a member of the Medici Enterprise.

Herald Consult (through HAM) committed acts of wire fraud, money laundering, engaging in monetary transactions in property derived from specific unlawful activity, and conspiracy in furtherance of the Illegal Scheme.

F. JOHN AND JANE DOES 1-100

The Trustee asserts claims against those whose true identities, roles, and responsibilities in relation to the Medici Enterprise and Illegal Scheme have yet to be ascertained. They may include additional Kohn family members and others who participated in the Illegal Scheme. Given the deliberately complex and obfuscatory structure of the Medici Enterprise, the Trustee anticipates amending this RICO Case Statement and accompanying Complaint after discovery.

- c. **List other Non-Defendant Bad Actors, other than the named Defendants, and describe the alleged misconduct of each wrongdoer.**

The primary other wrongdoers of whom the Trustee is currently aware are listed below and grouped according to their main affiliation.

G. BLMIS

1. **Bernard L. Madoff Investment Securities LLC (“BLMIS”).** BLMIS was founded in 1959 by Madoff and, for most of its existence, operated from its principal place of business at 885 Third Avenue, New York, New York. Madoff, as founder, chairman, CEO, and sole owner, operated BLMIS together with several of his friends and family members. BLMIS was registered with the SEC as a securities broker-dealer under Section 15(b) of the Securities Exchange Act of 1934 (the “1934 Act”), SIPA § 78o(b). By virtue of that registration, BLMIS is a member of SIPC. BLMIS had three business units: the investment advisory business (“IA Business”), market-making, and proprietary trading. The Illegal Scheme perpetuated and fed off Madoff’s IA Business. Since at least the inception of the Illegal Scheme, Madoff ran his IA Business as a Ponzi scheme. Nonetheless, Kohn directed over \$9 billion to Madoff. In return, Kohn and the

Medici Enterprise reaped a windfall in unearned fees and other proceeds of the Illegal Scheme.

The money sent to BLMIS for investment was simply used to keep the scheme going until such time as the requests for redemptions in December 2008 overwhelmed the flow of new investments and caused the inevitable collapse of the Ponzi scheme.

- a. **Bernard L. Madoff (“Madoff”).** Madoff is a citizen of the United States and at all relevant times was a close friend and associate of Kohn. Kohn communicated with Madoff regularly, and traveled to and from New York and elsewhere to visit him, his family, and BLMIS. On March 12, 2009, Madoff pled guilty to, among other things, securities fraud, investment adviser fraud, mail fraud, wire fraud, three counts of money laundering, false statements, and false filings with the SEC for orchestrating the Ponzi scheme that the Illegal Scheme furthered and from which the Medici Enterprise siphoned stolen Customer Property and other proceeds of the Illegal Scheme.
- b. **Frank DiPascali (“DiPascali”).** DiPascali is a citizen of the United States. DiPascali was Madoff’s right hand man and BLMIS’s CFO. He communicated directly with Bank Austria in relation to Bank Austria’s direct account with BLMIS. On August 11, 2009 DiPascali pled guilty to conspiracy, securities fraud, investment adviser fraud, falsifying books and records of a broker-dealer, falsifying books and records of an investment adviser, mail fraud, wire fraud, and international money laundering to promote specified unlawful activity.

2. **Cohmad Securities Corporation**

- a. **Cohmad Securities Corporation (“Cohmad”).** Cohmad is a corporation organized and existing under the laws of the State of New York. Its principal place of business is 885 Third Avenue, New York, New York 10022. Cohmad was registered with the SEC and was a member of the Financial Industry Regulatory Authority (“FINRA”), formerly the National Association of Securities Dealers (“NASD”).
- b. **Maurice (Sonny) Cohn (“Cohn”).** Cohn is the owner of Cohmad and serves as its Chairman and CEO. Cohn is registered as an agent of Cohmad with CRD Number 1313085. He is a citizen and a resident of the State of New York. Cohn is responsible for introducing Kohn to Madoff in or about 1985. Madoff paid Cohmad at least \$526,000 for this introduction.

3. **Madoff Securities International Ltd.**

- a. **Madoff Securities International Ltd. (“MSIL”).**³ Madoff created MSIL in 1983 and controls it as BLMIS’s London affiliate. Certain of Madoff’s kickbacks of stolen Customer Property to Kohn and her Sham Entities were paid from Madoff’s London accounts. All of Kohn’s kickbacks were directed by Madoff from New York.
- b. **Leon Flax (“Flax”).** Flax is a citizen of South Africa and a resident of London, England. He was a director of MSIL from 1986 until May 23, 2009 when the company was placed in liquidation. Originally, he was responsible for MSIL’s office management, accounting, and payroll, though later he became the managing director. Flax had numerous direct accounts with BLMIS. Flax authorized and executed scores of Madoff’s payments to Kohn via check and wire transfer as directed by Madoff from New York.
- c. **Steven Raven (“Raven”).** Raven is a British subject and resident of London, England. He was a director of MSIL in 1983 and, thereafter, a non-executive director from 1992-1994, executive director from 1994-2004, and CEO from 2004 until the company was placed in liquidation after Madoff’s confession. At various times, he also acted as a compliance officer for MSIL. Raven authorized and executed scores of Madoff’s payments to Kohn via check and wire transfer as directed by Madoff from New York.

H. **MEDICI ENTERPRISE FEEDER FUNDS**

The Medici Enterprise profited on the backs of those who invested with BLMIS through the Medici Enterprise Feeder Funds. For over fifteen years, the Medici Enterprise Feeder Funds fed almost \$4 billion into the Ponzi scheme and generated hundreds of millions of dollars of management, distribution, and other fees and other illicit proceeds of the Illegal Scheme for Kohn, Bank Medici, Bank Austria, UniCredit, HAM, and other members of the Medici Enterprise. On information and belief, certain of these proceeds of the Illegal Scheme that relate to the Medici Enterprise Feeder Funds are stolen Customer Property. This structure of feeding money into BLMIS in return for illegal proceeds for the Medici Enterprise is the crux of the “Money-In” aspect of the Illegal Scheme.

Kohn routinely disregarded the directions of Bank Medici and Bank Austria clients to place their money with particular Medici Enterprise Feeder Funds. Kohn treated the Medici Enterprise Feeder Funds like her Sham Entities, as interchangeable. For example, in 2008 Kohn told Bank Medici client Shpe that her money would be invested in Herald Fund when it was in fact invested in Herald (Lux). Kohn, Bank Medici, Bank Austria, and other members of the Medici Enterprise represented that Herald Fund and Herald (Lux) were different investments. In

³ MSIL and the Trustee have brought an action in England against, among others, its former officers and directors for breaching their fiduciary duty to MSIL by following Madoff’s directions to pay, among others, Kohn.

fact, they were both 100% invested in BLMIS (as were all the Medici Enterprise Feeder Funds). Kohn and other members of the Medici Enterprise conspired to disguise this fact. UniCredit similarly exploited the purported formal differences between and among the Medici Enterprise Feeder Funds to disguise its investment with BLMIS.

- 1. Primeo Fund Ltd. (“Primeo Fund”).** Primeo Fund is an open-ended investment fund incorporated in the Cayman Islands on November 18, 1993 and created by Kohn, Eurovaleur, Bank Austria, Randa, Scheithauer, Zapotocky, Kretschmer, Kadroska, and Hemetsberger. Throughout its entire existence, Primeo Fund was 100% invested with BLMIS, holding account numbers 1FN060 and 1FN092. Primeo Fund fed at least \$371,690,000 into BLMIS. To disguise its involvement with BLMIS, UniCredit directed that Primeo Fund invest in other Medici Enterprise Feeder Funds, including Herald Fund, Alpha Prime Fund, and REDA CTED . All of the Medici Enterprise Feeder Funds were 100% invested in BLMIS.

Kohn, Eurovaleur, Bank Austria, Bank Medici and its branches (including MediciFinanz), HAM, and other members of the Medici Enterprise marketed, distributed, and sold Primeo Fund. BA Worldwide served as Primeo Fund’s investment adviser from 1993 until April 25, 2007. At UniCredit’s direction, Pioneer replaced BA Worldwide as Primeo Fund’s investment manager in 2007 and hired Radel-Leszczyński to ensure continuity with Madoff.

- 2. Thema International Fund plc (“Thema International”).** Thema International is a hedge fund incorporated in Ireland on May 9, 1996. Thema International is owned and controlled by the Benbassat family of Genevalor, Benbassat, & Cie. At all relevant times, Thema International was 100% invested with BLMIS, holding account number 1FN095. Thema International fed over a billion dollars into BLMIS over its twelve-year existence.

Kohn, Eurovaleur, Bank Austria, Bank Medici and its branches, HAM, and other members of the Medici Enterprise marketed, distributed, and sold Thema International. In 1996, Kohn, through Eurovaleur, received a 10% ownership interest in Thema International’s investment manager as a “thank you” from its principals in return for Kohn introducing them to Madoff. Also beginning in 1996, Kohn’s relationship with Thema International’s principals led to Bank Medici’s receiving fees for distributing and marketing Thema International. This arrangement furthered the Medici Enterprise and lasted until Madoff confessed to running a Ponzi scheme. In 2006, Bank Medici became the investment manager to Thema International and received fees for this purported service in furtherance of the Illegal Scheme.

From 2006 to 2008 Bank Medici served as Thema International’s investment manager. Additionally, BA Worldwide served as Thema International’s investment adviser.

Kohn, Eurovaleur, Bank Austria, Bank Medici and its branches (including MediciFinanz), HAM, and other members of the Medici Enterprise marketed, distributed, and sold Thema International Fund.

3. **Alpha Prime Fund Ltd. (“Alpha Prime Fund”).** Alpha Prime Fund is a Bermuda-based investment fund incorporated on March 12, 2003. At all relevant times, Alpha Prime Fund was 100% invested with BLMIS, holding account number 1FR097. Alpha Prime Fund fed at least \$399.9 million into BLMIS over its five-year existence.

Alpha Prime Fund was created by Kohn, Zapotocky, and Radel-Leszczyński and was a structural “clone” of Primeo Fund. Zapotocky created this additional investment vehicle into BLMIS to further the Illegal Scheme and further enrich himself and Kohn. Kohn served as a director to Alpha Prime Fund.

Kohn, Eurovaleur, Bank Austria, Bank Medici and its branches (including MediciFinanz), HAM, and other members of the Medici Enterprise marketed, distributed, and sold Alpha Prime Fund. BA Worldwide was Alpha Prime Fund’s investment adviser beginning in 2003.

4. **Herald Fund SPC (“Herald Fund”).** Herald Fund is an investment fund incorporated in the Cayman Islands on March 24, 2004 and created by Kohn, Eurovaleur, Bank Austria, and Bank Medici. At all relevant times, Herald Fund was 100% invested with BLMIS, holding account number 1FR109. Herald Fund fed at least \$1.5 billion into BLMIS over its five-year existence. Herald Fund issued withdrawals of more than \$536 million in the three months leading up to Madoff’s confession.

Kohn, Eurovaleur, Bank Austria, Bank Medici and its branches (including MediciFinanz), HAM, and other members of the Medici Enterprise marketed, distributed, and sold Herald Fund. Herald Fund’s purported investment manager was HAM, although Bank Medici contributed to overseeing its day-to-day operations. HAM and Bank Medici pretended to select the stocks that Madoff in turn purported to select.

5. **Senator Fund Ltd. (“Senator Fund”).** Senator Fund is a Bermuda-based fund that was incorporated on March 12, 2006. At all relevant times, Senator Fund was 100% invested with BLMIS, holding account number 1FR128. Senator Fund fed at least \$247 million into BLMIS over its two-year existence.

Senator Fund was created by Radel-Leszczyński and was a structural “clone” of Alpha Prime, which is in turn a structural “clone” of Primeo Fund. Radel-Leszczyński masterminded this additional investment vehicle into BLMIS to further the Illegal Scheme and further enrich herself and Kohn.

Kohn, Eurovaleur, Bank Austria, Bank Medici and its branches, HAM, and other members of the Medici Enterprise marketed, distributed, and sold Senator Fund.

6. **Herald (Lux) SICAV (“Herald (Lux)”)**. Herald (Lux) is an investment fund incorporated in Luxembourg on February 18, 2008 and created by Kohn, Eurovaleur, Bank Austria, Bank Medici, and Frey. At all relevant times, Herald (Lux) was 100% invested with BLMIS, holding account number 1FR135. Herald (Lux) fed at least \$255.6 million into BLMIS over its existence.

Kohn, Eurovaleur, Bank Austria, Bank Medici and its branches (including MediciFinanz), HAM, and other members of the Medici Enterprise marketed, distributed, and sold Herald (Lux). Bank Medici served as the investment manager for Herald (Lux). Scheithauer served as a director to Herald (Lux).

Herald (Lux) was one of the Medici Enterprise’s last efforts to feed money into BLMIS before Madoff confessed to running a Ponzi scheme.

I. PIONEER AGENTS

1. **Alberto La Rocca (“La Rocca”)**. La Rocca is a citizen of Italy. La Rocca is the CEO of UniCredit’s Pioneer and a citizen of Italy. La Rocca was critical to executing UniCredit’s scheme to invest Primeo Fund’s assets indirectly into BLMIS through Herald Fund, Alpha Prime Fund, and REDACTED
2. **Paul Tiranno (“Tiranno”)**. Tiranno is a citizen of New York. Tiranno is an employee of UniCredit’s Pioneer. Shortly after UniCredit’s acquisition of Bank Austria, REDACTED

J. KOHN SLUSH FUND RECIPIENT

1. **Gerila Beteiligungsverwaltungs GmbH (“Gerila”)**. Kastner is the creator and owner of Gerila, which received a €600,000 transfer from Kohn via HAM. On information and belief, this transfer was a personal loan from Kohn to Kastner to cover expenses related to his divorce.

K. BANK MEDICI AGENTS

1. **Alexandra Lavi (“Lavi”)**. Lavi is an Israeli citizen. She was a financial adviser at Bank Medici. She was responsible for advising Bank Medici client Shpe when Shpe invested in Herald (Lux). When questioned by Shpe after Madoff confessed

to running a Ponzi scheme, Lavi admitted that she carried out Kohn's instructions to fraudulently conceal from investors the fact that their money was ultimately invested with BLMIS.

2. **Susanne Giefing (“Giefing”).** Giefing (née Pallantis) is an Austrian citizen. She was employed by HAM. Kohn directed Giefing to issue withdrawals of \$536 million from Herald Fund within the last three months before the Madoff's confession.
3. **Medici Realty Ltd. (“Medici Realty”).** Medici Realty is a Gibraltarian company. Kohn and Hassans created Medici Realty on March 17, 2006. E. Kohn serves as its director. Line Holdings owns 75% of Medici Realty and Bank Medici Gibraltar owns the balance. Hassans employees also serve on Medici Realty's board.
4. **FundsWorld Financial Services Ltd. (“FundsWorld”).** Kohn founded FundsWorld in Ireland in December 1998 as Nole Brook Ltd. Kohn changed its name to FundsWorld in December 1999 and registered it in Italy under the name FundsWorld Financial Services Ltd. on May 20, 2002. At all relevant times, Kohn operated FundsWorld from Milan, Italy. Kohn, through FundsWorld, made payments to her New York Sham Entity Eurovaleur of €750,000 in 2000 and €1.5 million in 2002. On information and belief, Kohn established FundsWorld to sell access to the Medici Enterprise Feeder Funds. Kohn, through Eurovaleur, informed Mark Madoff at BLMIS of FundsWorld's offerings.

L. EUROVALEUR AGENTS

1. **Anne Kritzer (“Kritzer”).** Kritzer is an Austrian citizen. She is a former employee of Eurovaleur. Kritzer corresponded with BLMIS on behalf of Kohn and Eurovaleur.
2. **Thomas Grasso (“Grasso”).** Grasso is a Swiss citizen. He is a former employee of Eurovaleur. Grasso corresponded with BLMIS on behalf of Kohn and Eurovaleur.

M. KOHN'S OTHER NEW YORK AGENTS

1. **Medici Fund Management Company, Inc (“Medici Fund Management”).** Medici Fund Management was a Delaware company registered to do business in New York. Medici Fund Management had no known business purpose and, on information and belief, was used by Kohn to further the Illegal Scheme. It was dissolved in 1999.
2. **Medici Finance Services, Inc. (“Medici Finance Services”).** Medici Finance Services was a New York corporation dissolved on July 29, 2009. Medici Finance Services had no known business purpose and, on information and belief,

was used by Kohn to further the Illegal Scheme. E. Kohn, at Eurovaleur's 767 Fifth Avenue address, was Medici Finance Service's registered agent.

d. List the victims and state how each victim was injured:

The Trustee represents the BLMIS estate and is empowered to recover all Customer Property and damages to the business and property of the BLMIS estate resulting from the racketeering activity of the Defendants in furtherance of the Illegal Scheme.

The Trustee seeks the return of all Customer Property for BLMIS customers, in the form of secret corrupt kickbacks from Madoff, unearned fees, compensation, bonuses, and otherwise, as well as all damages, compensatory, punitive, or otherwise (all damages trebled under RICO), caused by the Defendants' racketeering activity in furtherance of the Illegal Scheme, and the disgorgement of all proceeds of the Illegal Scheme by which the Defendants and the Medici Enterprise were unjustly enriched at the expense of the BLMIS estate.

Plaintiff is the Trustee appointed by order dated December 15, 2008 for the liquidation of the business of BLMIS under SIPA § 78eee(b)(3). Under SIPA § 78fff-1(a), the Trustee has the general powers of a bankruptcy trustee in a case under the Bankruptcy Code. Chapters 1, 3, 5, and subchapters I and II of chapter 7 of the Bankruptcy Code are applicable to this case to the extent consistent with SIPA § 8fff(b). In addition to the powers of a bankruptcy trustee, the Trustee has broader powers granted by SIPA. The Trustee is a real party in interest and has standing to bring these claims under SIPA § 78fff-1 and the Bankruptcy Code, including sections 323(b) and 704(a)(1). The RICO claims asserted herein are assertable only by the Trustee.

e. Describe the alleged injury to business or property:

Each Defendant member of the Medici Enterprise conspired to participate in, and committed acts in furtherance of, the Illegal Scheme to: (i) feed investors' money into the Ponzi scheme; and (ii) enrich themselves and the Medici Enterprise in the process via kickbacks from Madoff, unearned fees, compensation, bonuses, and other proceeds of the Illegal Scheme. All of Kohn's kickbacks and certain of these proceeds of the Illegal Scheme are stolen Customer Property. As a proximate result of the Illegal Scheme, the estate of BLMIS, and the customers of BLMIS have suffered an injury in fact to their business and property for which the Trustee is entitled to reimbursement in the form of, among other things, monetary damages trebled under RICO. The total amount lost in the Ponzi scheme is approximately \$19.6 billion. By this action the Trustee seeks damages in at least that amount, trebled under RICO.

f. Describe in detail the pattern of racketeering activity or collection of unlawful debts for each RICO claim:

Defendants' racketeering activity in furtherance of the Illegal Scheme forms a "pattern" in that more than two predicate acts were committed within ten years of each other as per 18 U.S.C. § 1961(5), as alleged below. Each of the Defendants' actions were undertaken to further the Illegal Scheme and enrich each Defendant and the Medici Enterprise, expand the scope of the Medici Enterprise, and perpetuate the Medici Enterprise and Illegal Scheme. Defendants' acts in furtherance of the Illegal Scheme are related and have similar purposes, results, participants,

victims, or methods of commission, are systematic in nature, and are not isolated events. Defendants' acts in furtherance of the Illegal Scheme are part of the Medici Enterprise's regular way of doing business.

The description of the pattern of racketeering shall:

(1) List the predicate acts and specific statutes which were violated:

Defendants, in carrying out the goals and objectives of the Medici Enterprise, committed repeated and related acts of: (i) engaging in monetary transactions in property derived from specific unlawful activity in violation of 18 U.S.C. § 1957; (ii) wire fraud in violation of 18 U.S.C. § 1343; (iii) mail fraud in violation of 18 U.S.C. § 1341; (iv) money laundering in violation of 18 U.S.C. § 1956; (v) financial institution fraud in violation of 18 U.S.C. § 1344; and (vi) interstate and international travel in violation of the Travel Act, 18 U.S.C. § 1952.

These violations constitute predicate acts that constitute a coordinated and intricate pattern of racketeering activity, as defined in 18 U.S.C. §1961(1) and as described fully as a "pattern" in response to f(6) below. This pattern of racketeering activity is the direct and proximate cause of the injury to the business and property of the BLMIS estate.

Money Laundering in violation of 18 U.S.C. §1956:

1. Transfers from BLMIS to Infovaleur: Predicate Acts 1-129
 - a. Illegal Scheme
 - b. Kohn, Infovaleur, and Reuss
 - c. One hundred and twenty nine (129) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Infovaleur from July 15, 1998 to August 4, 2008
2. Transfers from Infovaleur to Kohn, Kohn Family Defendants, and other members of the Medici Enterprise: Predicate Acts 130-322
 - a. Illegal Scheme
 - b. Kohn, Infovaleur, M. Hartstein, R. Hartstein, Landau, R. Kohn, Scheithauer, Reuss, M-Tech, Palladium, APM Cayman, and MediciFinanz
 - c. One ninety three (193) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from Infovaleur to Kohn, Kohn Family Defendants, and other members of the Medici Enterprise from March 27, 2002 to March 4, 2009

3. Transfers from MSIL to Erko: Predicate Acts 323-442
 - a. Illegal Scheme
 - b. Kohn, E. Kohn, and Erko
 - c. One hundred and twenty (120) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from MSIL to Erko from December 31, 1992 to December 18, 2001
4. Transfers from MSIL to Tecno Italy: Predicate Acts 443-562
 - a. Illegal Scheme
 - b. Kohn, Tecno Italy, Medici S.r.l., Blau, Raule, and Brera
 - c. One hundred and twenty (120) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from MSIL to Tecno Italy from May 21, 2002 to January 2, 2007
5. Transfers from MSIL to Tecno Gibraltar: Predicate Acts 563-576
 - a. Illegal Scheme
 - b. Kohn, Tecno Gibraltar, Amselem, Redcrest, Line Group, Line Management, and Line Holdings
 - c. Fourteen (14) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from MSIL to Tecno Gibraltar from April 24, 2007 to July 5, 2007
6. Transfers from BLMIS to Tecno Gibraltar: Predicate Acts 577-604
 - a. Illegal Scheme
 - b. Kohn, Tecno Gibraltar, Amselem, Redcrest, Line Group, Line Management, and Line Holdings
 - c. Twenty eight (28) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Tecno Gibraltar from January 10, 2008 to August 8, 2008
7. Transfer from Tecno Gibraltar to E. Kohn: Predicate Acts 605-612
 - a. Illegal Scheme

- b. Kohn, Tecno Gibraltar, Amselem, E. Kohn, Redcrest, Line Group, Line Management, and Line Holdings
 - c. Eight (8) Money Laundering violations between and among the above-mentioned Defendants, in relation to the transfer from Tecno Gibraltar to E. Kohn on February 2, 2009
- 8. Transfers from BA Worldwide to Eurovaleur: Predicate Acts 613-1428
 - a. Illegal Scheme
 - b. Kohn, Bank Austria, BA Worldwide, Eurovaleur, Duregger, and Radel-Leszczyński
 - c. Eight hundred and sixteen (816) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from BA Worldwide to Eurovaleur from January 1, 1996 to April 1, 2007
- 9. Transfers from HAM to Bank Medici and Medici Cayman: Predicate Acts 1429-2312
 - a. Illegal Scheme
 - b. Kohn, HAM, Bank Medici, Bank Medici Gibraltar, Medici Cayman, Herald Consult, Line Holdings, Scheithauer, Frey, Tripolt, Schindler, Duregger, Pirkner, Mugnai, de Sury, and Cosulich
 - c. Eight hundred and nineteen (884) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from HAM to Bank Medici and Medici Cayman from February 7, 2006 to November 20, 2008
- 10. Transfers from HAM to APM Cayman: Predicate Acts 233-2672
 - a. Illegal Scheme
 - b. Kohn, HAM, APM Cayman, MediciFinanz, Herald Consult, Line Holdings, Kastner, Mugnai, de Sury, and Cosulich
 - c. Three hundred and sixty (360) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from HAM to APM Cayman from February 10, 2006 to October 22, 2008
- 11. Transfers from HAM to Bank Austria Cayman: Predicate Acts 2673-2722

- a. Illegal Scheme
 - b. Kohn, HAM, Bank Austria, Bank Austria Cayman, Herald Consult, Line Holdings, Mugnai, de Sury, Cosulich, and Duregger
 - c. Fifty (50) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from HAM to Bank Austria Cayman from November 22, 2006 to January 23, 2008
12. Transfers from HAM to Pioneer: Predicate Acts 2723-2777
- a. Illegal Scheme
 - b. Kohn, HAM, Pioneer, UniCredit, Herald Consult, Line Holdings, Profumo, Guppy, Mugnai, de Sury, and Cosulich
 - c. Fifty five (55) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from HAM to Pioneer from July 21, 2008 to November 12, 2008
13. Transfers from HAM to Hassans: Predicate Acts 2778-2795
- a. Illegal Scheme
 - b. Kohn, HAM, Line Group, Line Management, Line Holdings, Herald Consult, Mugnai, de Sury, and Cosulich
 - c. Eighteen (18) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from HAM to Hassans on December 15, 2008
14. Transfers from HAM to Revi: Predicate Acts: 2796-2819
- a. Illegal Scheme
 - b. Kohn, HAM, Revi, Herald Consult, Line Holdings, Mugnai, de Sury, and Cosulich
 - c. Twenty four (24) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from HAM to Revi from January 9, 2008 to March 27, 2008
15. Transfers from HAM to Sofipo: Predicate Acts: 2820-2867
- a. Illegal Scheme

- b. Kohn, HAM, Sofipo, Herald Consult, Line Holdings, Mugnai, de Sury, and Cosulich
 - c. Forty eight (48) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from HAM to Sofipo from November 16, 2007 to October 22, 2008
- 16. Transfers from HAM to Mugnai, de Sury, and Cosulich: Predicate Acts 2868-3027
 - a. Illegal Scheme
 - b. Kohn, HAM, Herald Consult, Line Holdings, Mugnai, de Sury, and Cosulich
 - c. One hundred and sixty (160) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from HAM to Mugnai, de Sury, and Cosulich from June 1, 2006 to December 17, 2008
- 17. Transfer from HAM to Gerila: Predicate Acts 3028-3035
 - a. Illegal Scheme
 - b. Kohn, HAM, Herald Consult, Line Holdings, Kastner, Mugnai, de Sury, and Cosulich
 - c. Eight (8) Money Laundering violations between and among the above-mentioned Defendants, in relation to payments from HAM to Gerila on March 26, 2008

Monetary Transactions in Property Derived from Specified Unlawful Activity in violation of 18 U.S.C. §1957:

- 1. Transfers from BLMIS to Infovaleur: Predicate Acts 3036-3164
 - a. Illegal Scheme
 - b. Kohn, Infovaleur, and Reuss
 - c. One hundred and twenty nine (129) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Infovaleur from July 15, 1998 to August 4, 2008
- 2. Transfers from Infovaleur to Kohn, Kohn Family Defendants, and other members of the Medici Enterprise: Predicate Acts 3165-3249

- a. Illegal Scheme
 - b. Kohn, Infovaleur, E. Kohn, M. Hartstein, R. Hartstein, R. Kohn, Scheithauer, Reuss, M-Tech, Palladium, Kastner, Landau, and APM Cayman
 - c. Eighty five (85) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from Infovaleur to Kohn, Kohn Family Defendants, and other members of the Medici Enterprise from March 22, 2002 to March 4, 2009
3. Transfers from MSIL to Erko: Predicate Acts 3250-3309
- a. Illegal Scheme
 - b. Kohn, E. Kohn, and Erko
 - c. Sixty (60) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from MSIL to Erko from December 31, 1992 to December 18, 2001
4. Transfers from MSIL to Tecno Italy: Predicate Acts 3310-3329
- a. Illegal Scheme
 - b. Kohn, Tecno Italy, Medici S.r.l., Blau, Raule, and Brera
 - c. One hundred and twenty (120) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from MSIL to Tecno Italy from May 21, 2002 to January 2, 2007
5. Transfers from MSIL to Tecno Gibraltar: Predicate Acts 3330-3343
- a. Illegal Scheme
 - b. Kohn, Tecno Gibraltar, Amselem, Redcrest, Line Group, Line Management, and Line Holdings
 - c. Fourteen (14) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from MSIL to Tecno Gibraltar from April 24, 2007 to July 5, 2007
6. Transfers from BLMIS to Tecno Gibraltar: Predicate Acts 3344-3371

- a. Illegal Scheme
 - b. Kohn, Tecno Gibraltar, Amselem, Redcrest, Line Group, Line Management, and Line Holdings
 - c. Twenty eight (28) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Tecno Gibraltar from January 10, 2008 to August 8, 2008
7. Transfer from Tecno Gibraltar to E. Kohn: Predicate Acts 3372-3379
- a. Illegal Scheme
 - b. Kohn, E. Kohn, Tecno Gibraltar, Amselem, Redcrest, Line Group, Line Management, and Line Holdings
 - c. Eight (8) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to the transfer from Tecno Gibraltar to E. Kohn on February 2, 2009
8. Transfers from BA Worldwide to Eurovaleur: Predicate Acts 3380-4051
- a. Illegal Scheme
 - b. Kohn, Bank Austria, BA Worldwide, Eurovaleur, Duregger, and Radel-Leszczyński
 - c. Six hundred and seventy two (672) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from BA Worldwide to Eurovaleur from January 1, 1998 to April 1, 2007
9. Transfers from HAM to Bank Medici and Medici Cayman: Predicate Acts 4052-4837
- a. Illegal Scheme
 - b. Kohn, HAM, Bank Medici, Bank Medici Gibraltar, Medici Cayman, Herald Consult, Line Holdings, Scheithauer, Frey, Tripolt, Schindler, Duregger, Pirkner, Mugnai, de Sury, and Cosulich
 - c. Seven hundred eighty six (786) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and

among the above-mentioned Defendants, in relation to payments from HAM to Bank Medici and Medici Cayman from February 7, 2006 to November 20, 2008

10. Transfers from HAM to APM Cayman: Predicate Acts 4838-5177
 - a. Illegal Scheme
 - b. Kohn, HAM, Herald Consult, Line Holdings, APM Cayman, MediciFinanz, Kastner, Mugnai, de Sury, and Cosulich
 - c. Three hundred and forty (340) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from HAM to APM Cayman from February 10, 2006 to October 22, 2008
11. Transfers from HAM to Bank Austria Cayman: Predicate Acts 5178-5195
 - a. Illegal Scheme
 - b. Kohn, HAM, Bank Austria, Bank Austria Cayman, Herald Consult, Line Holdings, Duregger, Mugnai, de Sury, and Cosulich
 - c. Eighteen (18) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from HAM to Bank Austria Cayman from November 22, 2006 to January 23, 2008
12. Transfer from Pioneer to Bank Medici: Predicate Acts 5196-5202
 - a. Illegal Scheme
 - b. Kohn, Bank Medici, Pioneer, UniCredit, Profumo, and Gutty
 - c. Seven (7) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to the transfer from Pioneer to Bank Medici in 2007
13. Transfers from HAM to Pioneer: Predicate Acts 5203-5257
 - a. Illegal Scheme
 - b. Kohn, HAM, Pioneer, UniCredit, Herald Consult, Line Holdings, Profumo, Gutty, Mugnai, de Sury, and Cosulich

- c. Fifty five (55) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from HAM to Pioneer from July 21, 2008 to November 12, 2008
- 14. Transfers from HAM to Hassans: Predicate Acts 5258-5275
 - a. Illegal Scheme
 - b. Kohn, HAM, Herald Consult, Line Holdings, Line Management, Line Group, Mugnai, De Sury, and Cosulich
 - c. Eighteen (18) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from HAM to Hassans on December 15, 2008
- 15. Transfers from HAM to Revi: Predicate Acts: 5276-5299
 - a. Illegal Scheme
 - a. Kohn, HAM, Revi, Herald Consult, Line Holdings, Mugnai, de Sury, and Cosulich
 - b. Twenty four (24) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from HAM to Revi from January 9, 2008 to March 27, 2008
- 16. Transfers from HAM to Mugnai, de Sury, and Cosulich: Predicate Acts 5300-5427
 - a. Illegal Scheme
 - b. Kohn, HAM, Herald Consult, Line Holdings, Mugnai, de Sury, and Cosulich
 - c. One hundred twenty eight (128) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from HAM to Mugnai, De Sury, and Cosulich from June 1, 2006 to December 17, 2008
- 17. Transfer from HAM to Gerila: Predicate Acts 5428-5435
 - a. Illegal Scheme

- b. Kohn, HAM, Herald Consult, Line Holdings, Kastner, Mugnai, de Sury, and Cosulich
 - c. Eight (8) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from HAM to Gerila on March 26, 2008
18. Transfers from BLMIS to Bank Austria: Predicate Acts 5436-5442
- a. Illegal Scheme
 - b. Kohn, Bank Austria, Randa, Zapotocky, Kretschmer, Kadrnoska, and Eurovaleur
 - c. Seven (7) Monetary Transactions of Property Derived from Specified Unlawful Activity violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Bank Austria on July 10, 1996

Financial Institution Fraud in violation of 18 U.S.C. § 1344:

- 1. Transfers from BLMIS to Bank Austria: Predicate Acts 5443-5463
 - a. Illegal Scheme
 - b. Kohn, Bank Austria, Randa, Zapotocky, Kretschmer, Kadrnoska, and Eurovaleur
 - c. Twenty One (21) Financial Institution Fraud violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Bank Austria on August 8, 1996 and September 20, 1996
- 2. Transfers from BLMIS to Infovaleur: Predicate Acts 5464-5592
 - a. Illegal Scheme
 - b. Kohn, Infovaleur, and Reuss
 - c. One hundred and twenty nine (129) Financial Institution Fraud violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Infovaleur from July 15, 1998 to August 4, 2008
- 3. Transfers from Infovaleur to Kohn, Kohn Family Defendants, and other members of the Medici Enterprise: Predicate Acts 5593-5785

- a. Illegal Scheme
 - b. Kohn, Infovaleur, M. Hartstein, R. Hartstein, R. Kohn, Landau, Scheithauer, Reuss, M-Tech, Palladium, Kastner, APM Cayman, and MediciFinanz
 - c. One hundred eighty nine (193) Financial Institution Fraud violations between and among the above-mentioned Defendants, in relation to payments from Infovaleur to Kohn, Kohn Family Defendants, and other members of the Medici Enterprise from March 27, 2002 to March 4, 2009
4. Transfers from BLMIS to Tecno Gibraltar: Predicate Acts 5786-5813
- a. Illegal Scheme
 - b. Kohn, Tecno Gibraltar, Redcrest, Line Group, Line Management, and Line Holdings, and Amselem
 - c. Twenty eight (28) Financial Institution Fraud violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Tecno Gibraltar from January 10, 2008 to August 8, 2008

Wire Fraud in violation of 18 U.S.C. § 1343:

- 1. November 14, 1989 Facsimile from Gottlieb to BLMIS: Predicate Acts 5814-5815
 - a. Illegal Scheme
 - b. Kohn and Windsor
 - c. Two (2) Wire Fraud violations between and among the above-mentioned Defendants, in relation to correspondence between Gottlieb and BLMIS on November 14, 1989
- 2. REDACTED Predicate Acts 5816-5818
 - a. Illegal Scheme
 - b. REDACTED
 - c. Three (3) Wire Fraud violations between and among the above-mentioned Defendants, in relation to REDACTED

3. August 29, 1995 Facsimile from Kritzer to BLMIS: Predicate Acts 5819-5829
 - a. Illegal Scheme
 - b. Kohn, Bank Austria, Randa, Zapotocky, Kretschmer, Kadrnoska, Hemetsberger, Nograsek, Scheithauer, Duregger, and Eurovaleur
 - c. Eleven (11) Wire Fraud violations between and among the above-mentioned Defendants, in relation to correspondence between Kritzer and BLMIS on August 29, 1995
4. December 21, 1995 Facsimile from Kohn to BLMIS: Predicate Acts 5830-5832
 - a. Illegal Scheme
 - b. Kohn, Eurovaleur, and Bank Austria
 - c. Three (3) Wire Fraud violations between and among the above-mentioned Defendants, in relation to correspondence between Kohn and BLMIS on December 21, 1995
5. Transfer from BLMIS to Bank Austria: Predicate Acts 5833-5839
 - a. Illegal Scheme
 - b. Kohn, Bank Austria, Randa, Zapotocky, Kretschmer, Kadrnoska, and Eurovaleur
 - c. Seven (7) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Bank Austria beginning in July 10, 1996
6. December 12, 1997 Facsimile from Flax to BLMIS: Predicate Acts 5840-5842
 - a. Illegal Scheme
 - b. Kohn, E. Kohn, and Erko
 - c. Three (3) Wire Fraud violations between and among the above-mentioned Defendants, in relation to correspondence between Flax and BLMIS on December 12, 1997
7. January 12, 1998 Facsimile from Flax to BLMIS: Predicate Acts 5843-5845

- a. Illegal Scheme
 - b. Kohn, E. Kohn, and Erko
 - c. Three (3) Wire Fraud violations between and among the above-mentioned Defendants, in relation to correspondence between Flax and BLMIS on January 12, 1998
8. January 6, 2000 Facsimile from Grasso to BLMIS: Predicate Acts 5846-5847
 - a. Illegal Scheme
 - b. Kohn and Eurovaleur
 - c. Two (2) Wire Fraud violations between and among the above-mentioned Defendants, in relation to correspondence between Grasso and BLMIS on January 6, 2000
9. February 20, 2002 Facsimile from Radel-Leszczynski to DiPascali: Predicate Acts 5848-5851
 - a. Illegal Scheme
 - b. Kohn, Radel-Leszczynski, BA Worldwide, and Bank Medici
 - c. Four (4) Wire Fraud violations between and among the above-mentioned Defendants, in relation to correspondence between Radel-Leszczynski and DiPascali on February 20, 2002
10. Transfers from MSIL to Tecno Italy: Predicate Acts 5852-5971
 - a. Illegal Scheme
 - b. Kohn, Tecno Italy, Medici S.r.l., Brera, Blau, and Raule
 - c. One hundred and twenty (120) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from MSIL to Tecno Italy from May 21, 2002 to January 2, 2007
11. September 10, 2004 E-mail from Reuss to BLMIS: Predicate Acts 5972-5977
 - a. Illegal Scheme
 - b. Kohn, Reuss, Radel-Leszczynski, Hemetsberger, BA Worldwide, and Eurovaleur

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16. April 2, 2007 Facsimile from Cosulich to BLMIS: Predicate Acts 5998-6004
 - a. Illegal Scheme
 - b. Kohn, Cosulich, HAM, UniCredit, Profumo, Guty, and Sofipo
 - c. Seven (7) Wire Fraud violations between and among the above-mentioned Defendants, in relation to correspondence between Cosulich, and BLMIS on April 2, 2007
17. April 30, 2007 Facsimile from Pirkner to BLMIS: Predicate Acts 6005-6007
 - a. Illegal Scheme
 - b. Pirkner, Bank Medici, and Kohn
 - c. Three (3) Wire Fraud violations between and among the above-mentioned Defendants, in relation to correspondence between Pirkner, Bank Medici, Kohn, and BLMIS on April 30, 2007
18. June 4, 2007 E-mail from Amselem to Flax: Predicate Acts 6008-6010
 - a. Illegal Scheme
 - b. Kohn, Amselem, and Tecno Gibraltar
 - c. Three (3) Wire Fraud violations between and among the above-mentioned Defendants, in relation to correspondence between Amselem and Flax on June 4, 2007
19. Transfers from MSIL to Tecno Gibraltar: Predicate Acts 6011-6024
 - a. Illegal Scheme
 - b. Kohn, Tecno Gibraltar, Redcrest, Line Group, Line Management, Line Holdings, and Amselem
 - c. Fourteen (14) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from MSIL to Tecno Gibraltar from April 24, 2007 to July 5, 2007
20. Transfers from BLMIS to Tecno Gibraltar: Predicate Acts 6025-6052

- a. Illegal Scheme
 - b. Kohn, Tecno Gibraltar, Redcrest, Line Group, Line Management, Line Holdings, and Amselem
 - c. Twenty eight (28) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Tecno Gibraltar from January 10, 2008 to August 8, 2008
21. Transfer from Tecno Gibraltar to E. Kohn: Predicate Acts 6053-6060
- a. Illegal Scheme
 - b. Kohn, Tecno Gibraltar, Redcrest, Line Group, Line Management, Line Holdings, Amselem, and E. Kohn
 - c. Eight (8) Wire Fraud violations between and among the above-mentioned Defendants, in relation to the transfer from Tecno Gibraltar to E. Kohn on February 2, 2009
22. Transfers from HAM to Bank Medici and Medici Cayman: Predicate Acts 6061-6944
- a. Illegal Scheme
 - b. Kohn, HAM, Bank Medici, Bank Medici Gibraltar, Medici Cayman, Herald Consult, Line Holdings, Scheithauer, Frey, Tripolt, Schindler, Duregger, Pirkner, Mugnai, de Sury, and Cosulich
 - c. Eight hundred eighty four (884) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from HAM to Bank Medici and Medici Cayman from February 7, 2006 to November 20, 2008
23. Transfers from HAM to APM Cayman: Predicate Acts 6945-7304
- a. Illegal Scheme
 - b. Kohn, HAM, APM Cayman, MediciFinanz, Line Holdings, Herald Consult, Kastner, Mugnai, de Sury, and Cosulich
 - c. Three hundred and sixty (360) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from HAM to APM Cayman from February 10, 2006 to October 22, 2008

24. Transfers from HAM to Bank Austria and Bank Austria Cayman: Predicate Acts 7305-7354
 - a. Illegal Scheme
 - b. Kohn, HAM, Bank Austria, Bank Austria Cayman, Herald Consult, Line Holdings, Duregger, Mugnai, de Sury, and Cosulich
 - c. Fifty (50) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from HAM to Bank Austria and Bank Austria Cayman from November 22, 2006 to January 23, 2008
25. Transfers from HAM to Pioneer: Predicate Acts 7355-7409
 - a. Illegal Scheme
 - b. Kohn, HAM, UniCredit, Pioneer, Herald Consult, Line Holdings, Profumo, Guppy, Mugnai, de Sury, and Cosulich
 - c. Fifty five (55) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from HAM to Pioneer from July 21, 2008 to November 12, 2008
26. Transfers from HAM to Hassans: Predicate Acts 7410-7427
 - a. Illegal Scheme
 - b. Kohn, HAM, Line Group, Line Management, Line Holdings, Herald Consult, Mugnai, de Sury, and Cosulich
 - c. Eighteen (18) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from HAM to Hassans on December 15, 2008
27. Transfers from HAM to Revi: Predicate Acts: 7428-7435
 - a. Illegal Scheme
 - b. Kohn, HAM, Revi, Herald Consult, Line Holdings, Mugnai, de Sury, and Cosulich
 - c. Eight (8) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from HAM to Revi from January 9, 2008 to March 27, 2008
28. Transfers from HAM to Sofipo: Predicate Acts: 7436-7483

- a. Illegal Scheme
 - b. Kohn, HAM, Sofipo, Herald Consult, Line Holdings, Mugnai, de Sury, and Cosulich
 - c. Forty eight (48) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from HAM to Sofipo from November 16, 2007 to October 22, 2008
29. Transfers from HAM to Mugnai, de Sury, and Cosulich: Predicate Acts 7484-7643
- a. Illegal Scheme
 - b. Kohn, HAM, Herald Consult, Line Holdings, Mugnai, De Sury, and Cosulich
 - c. One hundred and sixty (160) Wire Fraud violations between and among the above-mentioned Defendants, in relation to payments from HAM to Mugnai, de Sury, and Cosulich from June 1, 2006 to December 17, 2008
30. Phone call from Kohn to Shpe: Predicate Acts 7644-7646
- a. Illegal Scheme
 - b. Kohn, Scheithauer, and Bank Medici
 - c. Three (3) Wire fraud violations between and among the above-named Defendants in relation to the telephone call made on December 23, 2008 from Kohn to a Herald (Lux) investor wherein Kohn falsely denies knowledge that Herald Fund and Herald (Lux) are invested in BLMIS

Mail Fraud in violation of 18 U.S.C. § 1341:

1. Registration of “Primeo” trademark in New York by Eurovaleur: Predicate Acts 7647-7650
 - a. Illegal Scheme
 - b. Kohn, Eurovaleur, Bank Austria, and Randa
 - c. Four (4) Mail Fraud violations by the above-named Defendants caused by Eurovaleur using the U.S. Mail to send the “Primeo” trademark application to the United States Patent and Trademark Office (“USPTO”) on August 12, 1993

2. Assignment of the “Primeo” trademark in New York from Eurovaleur to Bank Austria: Predicate Acts 7651-7657
 - a. Illegal Scheme
 - b. Kohn, Eurovaleur, Reuss, Bank Austria, Nograsedk, Duregger, and Randa
 - c. Seven (7) Mail Fraud violation by the above-named Defendants caused by Duregger and Nograsedk sending a letter using the U.S. Mail to the USPTO on December 17, 2001 regarding the assignment of the “Primeo” trademark from Eurovaleur to Bank Austria
3. Invoices mailed from Infovaleur to BLMIS: Predicate Acts 7658-7787
 - a. Illegal Scheme
 - b. Kohn, Infovaleur, and Reuss
 - c. One hundred twenty nine (129) Mail Fraud violations between and among the above-mentioned Defendants, in relation to payments from BLMIS to Infovaleur from July 15, 1998 to August 4, 2008

Interstate and Foreign Travel in violation of 18 U.S.C. §1952:

1. Travels by Kohn and E. Kohn from New York to MSIL’s offices in London, England: Predicate Acts 7788-7871
 - a. Illegal Scheme
 - b. Kohn, E. Kohn, and Erko
 - c. Eighty four (84) travels by Kohn and E. Kohn from New York to London, England to collect illegal kickbacks of stolen Customer Property from Madoff approximately four times a year from 1987 until 1993
2. Travels by Kohn, Zapotocky, Radel-Leszczynski, Hemetsberger, and Kretschmer from Vienna, Austria to BLMIS headquarters in New York: Predicate Acts 7872-8225
 - a. Illegal Scheme
 - b. Kohn, Bank Medici, Bank Austria, BA Worldwide, Zapotocky, Radel-Leszczynski, Hemetsberger, and Kretschmer

- c. Three hundred fifty four (354) travels by Kohn, Zapotocky, Radel-Leszczynski, Hemetsberger, and Kretschmer to visit Madoff at BLMIS in New York. Each of these Defendants visited Madoff in New York approximately 2-3 times a year, starting in 1994 and lasting until Madoff confessed in 2008
3. Travels by Kohn and Kastner from Europe to BLMIS headquarters in New York: Predicate Acts 8226-8231
 - a. Illegal Scheme
 - b. Kohn, Bank Medici, and Kastner
 - c. Six (6) travels by Kohn and Kastner to visit Madoff at BLMIS in New York

(2) State the dates of the participants' involvement in the predicate acts and the facts surrounding the predicate acts

Kohn's New York Activity in Furtherance of the Illegal Scheme

Kohn and Madoff in New York:

Kohn began the Medici Enterprise in New York as early as 1985. After being introduced to Madoff in New York by Cohn, Kohn immediately began to build the architecture of the Medici Enterprise.

Kohn Solicits U.S. Investors in New York:

1. Chicago-based investor Howard Gottlieb ("Gottlieb") is a former business partner of Kohn. Through Kohn and Windsor, Gottlieb opened BLMIS account 1G0067 with Kohn and Windsor's assistance. On November 14, 1989, Gottlieb, on behalf of Kohn, directed BLMIS via facsimile to send duplicate copies of his account statements to Kohn, in care of Windsor. This correspondence ensured that Kohn and Windsor had visibility with respect to Gottlieb's account, which allowed her to monitor his purported investment. Gottlieb quickly identified that BLMIS's stated returns were impossible and closed his direct account on June 24, 1993 after taking \$1.4 million in fictitious profits from BLMIS. Gottlieb severed all business relations with Kohn.

The correspondence between Kohn and Gottlieb was transmitted via wire in interstate commerce and in violation of 18 U.S.C. § 1343. The information alleged herein is pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

Kohn Solicits Foreign Investors in New York:

2. Kohn continued to use Windsor and Eurovaleur to solicit investors for the Ponzi scheme, for which Kohn received fees and furthered the Illegal Scheme. REDACTED

In 1996, Eurovaleur received a 10% ownership interest in Thema International's investment manager as a "thank you" from the Benbassats for introducing them to Madoff. Also beginning in 1996, her relationship with the Benbassats led to Bank Medici receiving fees for distributing and marketing Thema International. This arrangement furthered the Medici Enterprise and lasted until Madoff confessed to running a Ponzi scheme. In 2006, Bank Medici became the investment manager for Thema International and received fees for this purported service in furtherance of the Illegal Scheme.

The April 23, 1992 correspondence was transmitted via wire in foreign commerce and in violation of 18 U.S.C. § 1343. The information alleged herein is pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

Kohn Registers the "Primeo" Trademark in New York:

3. Primeo Fund was the Medici Enterprise's first large investment vehicle into BLMIS. Its creation and distribution was instrumental in furthering the Illegal Scheme and enriching the Medici Enterprise. Kohn, through Eurovaleur, conspired with Bank Austria, Randa, Zapotocky, Scheithauer, Nograsek, and Duregger to create Primeo Fund.

On August 12, 1993, Kohn, through Eurovaleur, sent via the U.S. Mail, a trademark application to the USPTO to register the "Primeo" trademark. On November 1, 1994, the USPTO granted Eurovaleur's trademark application. The trademark remained registered to Eurovaleur until 2001, when Eurovaleur assigned the "Primeo" trademark to Bank Austria. On December 17, 2001, Nograsek and Duregger, on behalf of Bank Austria, sent via the U.S. Mail a letter to the USPTO appointing Bank Austria's New York attorney as its domestic representative as part of the assignment process of the "Primeo" trademark. Bank Austria still owns the "Primeo" trademark. These mails were necessary to ensure the continuity of Primeo

Fund to further the Illegal Scheme.

The November 1, 1994 and December 17, 2001 correspondences constitute violations of the Mail Fraud statute under 18 U.S.C. § 1341. The information alleged herein is pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

Kohn Facilitates Bank Austria's Direct BLMIS Account:

4. On August 29, 1995, Kritzer, on behalf of Kohn, sent a facsimile from New York to BLMIS naming Bank Austria executive Kretschmer as the contact regarding Bank Austria's direct BLMIS account number 1FN082. This facsimile was sent on Eurovaleur letterhead. On information and belief, Kohn and Eurovaleur received fees for introducing Bank Austria to Madoff and BLMIS. Bank Austria's AMF recovered from BLMIS contains Bank Austria's Senior General Manager Zapotocky's business card. This card has a handwritten notation containing Kohn's name and phone number.

Bank Austria closed its direct account with BLMIS in 1996 as it began to distribute Primeo Fund on a large scale. Bank Austria, through its membership in the Medici Enterprise and participation in the Illegal Scheme, continued to profit from the Ponzi scheme without the exposure of a direct account with BLMIS.

The August 29, 1995 correspondence was transmitted via wire in interstate commerce and in violation of 18 U.S.C. § 1343. The information alleged herein is pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

Bank Austria's Direct BLMIS Account Received Fictitious Profits:

5. Bank Austria's account received fictitious profits from BLMIS in the amount of \$249,627.82. Bank Austria received three transfers of stolen Customer Property from BLMIS over the life of its direct account. On July 10, 1996, BLMIS transmitted via wire in foreign commerce \$1,743,641 to Bank Austria. On August 8, 1996, BLMIS sent a check via the U.S. Mail in the amount of \$1,351 to Bank Austria. Finally, on September 20, 1996, BLMIS sent a check via the U.S. Mail in the amount of \$826 to Bank Austria. These checks were processed and received by Bank Austria. This stolen Customer Property was under the custody and control of J.P. Morgan Chase, an FDIC-insured, New York-based financial institution.

These transactions constitute financial institution fraud under 18 U.S.C. § 1344. The August 8, 1996, and September 20, 1996, transactions also

constitute mail fraud under 18 U.S.C. § 1341. The July 10, 1996 wire constitutes a violation of 18 U.S.C. § 1343. This transmission also constitutes a monetary transactions in criminally derived property under 18 U.S.C. § 1957. Under § 1957, this transaction exceeds \$10,000. The information alleged herein is pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

Kohn Announces the Expansion of Primeo Fund:

6. On December 21, 1995, Kohn sent a facsimile, on Eurovaleur letterhead, to BLMIS wherein she announces that Primeo Fund would begin issuing Class B shares and would open a new account with BLMIS. This correspondence resulted in Primeo Fund opening direct account 1FN092 with BLMIS. Kohn, Randa, Zapotocky, Kretschmer, Kadrnoska, and Bank Austria were instrumental to the creation of Primeo Fund and introduced Bank Austria officials to Madoff and other representatives of BLMIS in New York.

On February 20, 2002, Radel-Leszczynski sent a facsimile to DiPascali requesting approval of language describing the investment strategy used to market Primeo Fund to investors. The facsimile was sent from a Bank Medici facsimile machine on BA Worldwide letterhead.

This correspondence was transmitted via wire in interstate commerce and in violation of 18 U.S.C. § 1343. The information alleged herein is pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

Kohn Seeks Additional Mechanisms to Further the Illegal Scheme:

7. On January 6, 2000, Grasso, on behalf of Kohn and Eurovaleur, sent a facsimile on Eurovaleur letterhead to Mark Madoff at BLMIS enclosing Italian articles regarding Kohn's involvement with Milan-based online sales platform FundsWorld. FundsWorld offered mutual and hedge funds to institutional and wealthy investors. Kohn created and owned FundsWorld. FundsWorld appears to have been created to sell access to the Medici Enterprise Feeder Funds. Kohn, through FundsWorld, paid Eurovaleur €750,000 in December 2000, and €1.5 million on December 31, 2002.

This correspondence was transmitted via wire in interstate commerce and in violation of 18 U.S.C. § 1343. The information alleged herein is pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

Members of the Medici Enterprise Travel to New York:

8. At all relevant times, Kohn, Zapotocky, Kretschmer, Hemetsberger, and Radel-Leszczyński traveled regularly to New York to meet with Madoff at BLMIS headquarters in furtherance of the Illegal Scheme. On information and belief, during these visits, Kohn, Zapotocky, Kretschmer, Hemetsberger, and Radel-Leszczyński also traveled to Bank Austria's New York branch located at 150 E. 42nd Street, New York, New York. Kohn facilitated these travels through Eurovaleur in New York. At all relevant times, Reuss oversaw the day-to-day activities of Eurovaleur. On September 10, 2004, Reuss sent an e-mail, with a Eurovaleur signature, confirming a meeting between Madoff, one of his employees, and Bank Austria representatives Radel-Leszczyński and Hemetsberger. These travels were crucial to the expansion of the Illegal Scheme by facilitating the opening of new BLMIS direct accounts for the Medici Enterprise Feeder Funds.

Each of these travels constitutes a violation of the Travel Act under 18 U.S.C. § 1952.

On July 10, 2006, Radel-Leszczyński sent a facsimile to Madoff regarding a recent meeting they had in New York at BLMIS headquarters. In the correspondence, Radel-Leszczyński profusely and obsequiously thanks Madoff for "granting" her a new BLMIS direct account. The purpose of the facsimile was to confirm that the accountholder would be Senator Fund and to arrange for the opening documents be sent to the account's custodian. On September 25, 2006, Radel-Leszczyński sent another facsimile to Madoff to notify him that she would serve as his primary contact for Primeo Fund, Alpha Prime Fund, and Senator Fund. Radel-Leszczyński also proposed a future meeting with Madoff on October 23, 2006 purportedly to discuss her role as to these Medici Enterprise Feeder Funds.

These correspondences were transmitted via wire in interstate commerce and in violation of 18 U.S.C. § 1343. The information alleged herein is pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

UniCredit Formalizes Its Previous Participation in the Illegal Scheme and Role in the Medici Enterprise:

9. In 2005, UniCredit acquired Bank Austria. UniCredit has been involved with Madoff and BLMIS since at least 1999 through Pioneer. After UniCredit's acquisition of Bank Austria, Pioneer replaced BA Worldwide as the investment manager to Primeo Fund. UniCredit sought to obfuscate Primeo Fund's investment structure by electing to invest in BLMIS

indirectly through Herald Fund, Alpha Prime Fund, and REDA
UniCredit conspired with Kohn, Eurovaleur in New York,
and Bank Medici to effect this deception.

REDACTED

By April 2007, UniCredit, through Pioneer, executed its plan to invest
Primeo Fund's shares indirectly with BLMIS through Herald Fund, Alpha
Prime Fund, and REDACTED

Later, on April 30, 2007, Pirkner sent a
facsimile to BLMIS, on behalf of Kohn and Bank Medici, attaching
Herald Fund's board of directors resolution accepting Primeo Fund's
shares and agreeing to invest these shares into BLMIS. The Herald Fund
board of director resolution contains Mugnai's signature as director of
Herald Fund.

These correspondences furthered the Illegal Scheme by facilitating the
conspiracy among UniCredit, Bank Austria, Kohn, and Bank Medici to
disguise UniCredit and Pioneer's continued 100% investment in BLMIS.

These correspondences constitute wire fraud under 18 U.S.C. § 1343. The
information alleged herein is pled in accordance with the particularity
requirements of Fed. R. Civ. P. 9(b) with respect to circumstances
constituting fraud.

Payments from BLMIS to Infovaleur:

10. Starting in at least 1998, Kohn, through Kohn's New York Sham Entity,
Infovaleur, received transfers of stolen Customer Property from Madoff
and BLMIS in furtherance of the Illegal Scheme. On the dates and
amounts set forth below, Infovaleur effected these corrupt kickbacks from
Madoff to Kohn and Infovaleur.

These transfers were authorized and executed by Madoff. Kohn and
Infovaleur invoiced BLMIS via the U.S. Mail and the funds were
transmitted via check. Reuss, on behalf of Kohn and Infovaleur, mailed
the invoices to BLMIS. On information and belief, Reuss sent these
invoices through the U.S. Mail in furtherance of the Illegal Scheme and in

violation of 18 U.S.C. § 1341. The funds transmitted to Kohn and Infovaleur are stolen Customer Property.

These transactions constitute the laundering of monetary instruments, monetary transactions in criminally derived property, mail fraud, and Financial Institution Fraud in violation of 18 U.S.C. §§ 1956, 1957, 1341, and 1344. These checks were processed and received by Kohn and Infovaleur, and this stolen Customer Property was under the custody and control of J.P. Morgan Chase, an FDIC-insured, New York-based financial institution.

The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. Under 18 U.S.C. §1957, all transactions exceed \$10,000. The transfers set forth below reflect the dates and amounts of the invoices that Infovaleur sent to BLMIS in New York. This list contains the invoices in the Trustee's possession and, on information and belief, is not exhaustive.

Date	Amount	From	To
July 15, 1998	\$221,000.00	BLMIS	Infovaleur
November 11, 1998	\$398,000.00	BLMIS	Infovaleur
February 2, 1999	\$492,500.00	BLMIS	Infovaleur
April 20, 1999	\$548,500.00	BLMIS	Infovaleur
August 10, 1999	\$401,700.00	BLMIS	Infovaleur
October 13, 1999	\$470,830.00	BLMIS	Infovaleur
January 6, 2000	\$470,830.00	BLMIS	Infovaleur
April 10, 2000	\$450,000.00	BLMIS	Infovaleur
May 22, 2000	\$300,000.00	BLMIS	Infovaleur
July 12, 2000	\$750,000.00	BLMIS	Infovaleur
October 16, 2000	\$750,000.00	BLMIS	Infovaleur
January 16, 2001	\$750,000.00	BLMIS	Infovaleur
May 1, 2001	\$750,000.00	BLMIS	Infovaleur
July 13, 2001	\$750,000.00	BLMIS	Infovaleur
October 2, 2001	\$481,000.00	BLMIS	Infovaleur
November 15, 2001	\$875,000.00	BLMIS	Infovaleur
February 14, 2002	\$875,000.00	BLMIS	Infovaleur
April 10, 2002	\$875,000.00	BLMIS	Infovaleur
July 3, 2002	\$875,000.00	BLMIS	Infovaleur
October 9, 2002	\$875,000.00	BLMIS	Infovaleur
January 17, 2003	\$875,000.00	BLMIS	Infovaleur
April 22, 2003	\$875,000.00	BLMIS	Infovaleur
July 15, 2003	\$875,000.00	BLMIS	Infovaleur
October 20, 2003	\$875,000.00	BLMIS	Infovaleur
February 10, 2004	\$875,000.00	BLMIS	Infovaleur

May 4, 2004	\$875,000.00	BLMIS	Infovaleur
July 26, 2004	\$875,000.00	BLMIS	Infovaleur
November 3, 2004	\$875,000.00	BLMIS	Infovaleur
February 2, 2005	\$875,000.00	BLMIS	Infovaleur
July 14, 2005	\$875,000.00	BLMIS	Infovaleur
November 28, 2005	\$875,000.00	BLMIS	Infovaleur
January 3, 2006	\$875,000.00	BLMIS	Infovaleur
April 5, 2006	\$875,000.00	BLMIS	Infovaleur
May 4, 2006	\$875,000.00	BLMIS	Infovaleur
July 25, 2006	\$875,000.00	BLMIS	Infovaleur
November 27, 2006	\$875,000.00	BLMIS	Infovaleur
February 2, 2007	\$875,000.00	BLMIS	Infovaleur
April 24, 2007	\$875,000.00	BLMIS	Infovaleur
September 5, 2007	\$875,000.00	BLMIS	Infovaleur
October 16, 2007	\$875,000.00	BLMIS	Infovaleur
May 6, 2008	\$875,000.00	BLMIS	Infovaleur
May 19, 2008	\$875,000.00	BLMIS	Infovaleur
August 4, 2008	\$875,000.00	BLMIS	Infovaleur
TOTAL	\$32,484,360.00	MADOFF	KOHN

Payments from Sham Entity Defendants to Kohn, Kohn Family Defendants, and Related Defendants:

11. Starting in 2002, Kohn, through her New York Sham Entity and alter ego Infovaleur transferred stolen Customer Property to herself, E. Kohn, M. Hartstein, R. Hartstein, Landau, R. Kohn, and Scheithauer. On the dates set forth below, in the amounts set forth below, Infovaleur effected these illegal payments to the above-named Defendants.

Each of these payments was transmitted to Kohn, E. Kohn, M. Hartstein, R. Hartstein, Landau, R. Kohn, and Scheithauer via check. For example, on information and belief, Kohn used funds from Infovaleur to finance the sale of Kohn's New York residence to M. Hartstein and R. Hartstein. Also on information and belief, Scheithauer is a personal friend of Kohn and received a \$15,000 payment from Infovaleur prior to his employment at Bank Medici.

This dissipation of stolen Customer Property continued even after Madoff's confession. On February 2, 2009, Kohn, through her Gibraltar Sham Entity, Tecno Gibraltar, transferred \$299,994.97 of stolen Customer Property via wire in foreign commerce to her husband E. Kohn.

The Infovaleur transfers constitute laundering of monetary instruments, monetary transactions in criminally derived property, and financial

institution fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1344, respectively, in furtherance of the Illegal Scheme. These checks were processed and received by the above-named Defendants, and this stolen Customer Property was under the custody and control of J.P. Morgan Chase, an FDIC-insured, New York-based financial institution and banker to Infovaleur and BLMIS.

The Tecno Gibraltar transfer constitutes laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1343, respectively, in furtherance of the Illegal Scheme.

The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. To the extent any of these payments are less than \$10,000, they are not monetary transactions in criminally derived property under 18 U.S.C. § 1957, but still constitute the other predicate acts alleged herein. This list reflects records of checks drawn on Infovaleur's New York bank account at J.P. Morgan Chase and, on information and belief, is not exhaustive.

Date	Amount	From	To
March 27, 2002	\$3,026.20	Infovaleur	E. Kohn
March 27, 2002	\$3,026.20	Infovaleur	E. Kohn
March 27, 2002	\$3,026.20	Infovaleur	E. Kohn
June 17, 2002	\$3,026.20	Infovaleur	E. Kohn
June 25, 2002	\$3,026.20	Infovaleur	E. Kohn
July 30, 2002	\$3,026.20	Infovaleur	E. Kohn
July 30, 2002	\$3,026.20	Infovaleur	E. Kohn
September 12, 2002	\$3,026.20	Infovaleur	E. Kohn
September 12, 2002	\$3,026.20	Infovaleur	E. Kohn
September 12, 2002	\$3,026.20	Infovaleur	E. Kohn
September 12, 2002	\$3,032.40	Infovaleur	E. Kohn
October 30, 2002	\$3,336.20	Infovaleur	E. Kohn
October 30, 2002	\$3,336.20	Infovaleur	E. Kohn
October 30, 2002	\$3,336.20	Infovaleur	E. Kohn
December 9, 2002	\$3,336.20	Infovaleur	E. Kohn
December 30, 2002	\$3,336.20	Infovaleur	E. Kohn
January 6, 2003	\$43,367.50	Infovaleur	E. Kohn
January 15, 2003	\$3,336.20	Infovaleur	E. Kohn
February 19, 2003	\$102,500.00	Infovaleur	M. Hartstein
March 11, 2003	\$3,336.20	Infovaleur	E. Kohn
August 26, 2004	\$1,947.87	Infovaleur	M. Hartstein
August 26, 2004	\$2,703.93	Infovaleur	R. Kohn
December 21, 2004	\$4,000.00	Infovaleur	M. Hartstein

September 30, 2005	\$2,925.00	Infovaleur	M. Hartstein
January 10, 2006	\$4,269.00	Infovaleur	M. Hartstein
December 20, 2006	\$400,000.00	Infovaleur	Kohn
December 26, 2006	\$40,000.00	Infovaleur	Kohn
March 28, 2007	\$7,000.00	Infovaleur	M. Hartstein
September 17, 2007	\$5,000.00	Infovaleur	Landau
August 25, 2008	\$15,000.00	Infovaleur	Scheithauer
October 31, 2008	\$105,000.00	Infovaleur	M. Hartstein
January 6, 2006	\$70,587.18	Infovaleur	M. Hartstein
January 6, 2009	\$57,334.03	Infovaleur	R. Kohn c/o Eurovaleur
January 6, 2009	\$26,438.33	Infovaleur	R. Hartstein
February 2, 2009	\$299,994.97	Tecno Gibraltar	E. Kohn
March 4, 2009	\$4,000.00	Infovaleur	M. Hartstein
TOTAL	\$1,248,715.61	KOHN	KOHN FAMILY ET AL.

In addition, Kohn, through Infovaleur, transferred stolen Customer Property to APM Cayman, Palladium, and M-Tech. On the dates and in the amounts set forth below, Infovaleur effected these illegal payments to the above-named Defendants.

On information and belief, these payments were made at the direction of Kohn to benefit M. Hartstein, Landau, and Kastner at the expense of the BLMIS estate. Each of these payments was transmitted to APM Cayman, Palladium, and M-Tech via check. At all relevant times, M. Hartstein was a principal of Palladium, Landau was a principal of M-Tech, and Kastner was a principal of APM Cayman.

These payments of stolen Customer Property constitute laundering of monetary instruments, monetary transactions in criminally derived property, and financial institution fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1344. These checks were processed and received by the above-named Defendants, and this stolen Customer Property was under the custody and control of J.P. Morgan Chase, an FDIC-insured, New York-based financial institution. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. To the extent any of these payments are less than \$10,000, they are not monetary transactions in criminally derived property under 18 U.S.C. §1957, but still constitute the other predicate acts alleged herein. This list reflects records of checks drawn on Infovaleur's New York bank account at J.P. Morgan Chase and, on information and belief, is not exhaustive.

Date	Amount	From	To
August 10, 2006	\$36,000.00	Infovaleur	Palladium
March 7, 2007	\$7,802.66	Infovaleur	Palladium
March 21, 2007	\$105,047.15	Infovaleur	APM Cayman
March 21, 2007	\$300,000.00	Infovaleur	APM Cayman
August 27, 2007	\$23,351.74	Infovaleur	Palladium
February 14, 2008	\$28,246.09	Infovaleur	Palladium
June 11, 2008	\$27,619.61	Infovaleur	Palladium
June 30, 2008	\$72,000.00	Infovaleur	M-Tech
July 18, 2008	\$25,000.00	Infovaleur	M-Tech
August 6, 2008	\$375,000.00	Infovaleur	APM Cayman
January 30, 2009	\$6,020.96	Infovaleur	Palladium
March 3, 2009	\$29,203.99	Infovaleur	Palladium
TOTAL	\$1,035,292.20	KOHN	KOHN CO- CONSPIRATORS

Payments from Madoff to Erko, Kohn, and E. Kohn:

12. On December 12, 1997 and January 12, 1998, Flax sent a facsimile on MSIL letterhead to BLMIS wherein Flax requested that BLMIS transfer \$200,000 and \$323,500, respectively, to MSIL to fulfill Madoff's request to pay Kohn's New York Sham Entity and alter ego Erko. Kohn and Erko caused this transmission by invoicing Madoff at MSIL. This correspondence resulted in Erko receiving stolen Customer Property in furtherance of the Illegal Scheme. On information and belief, these secret kickbacks began as early as 1987. The transfers set forth below reflect the dates and amounts of the invoices that Erko sent to Madoff at MSIL from New York and elsewhere. The transfers appear to have been transmitted via check and picked up in person at MSIL by either Kohn or E. Kohn.

On information and belief, beginning in 1987, Kohn and E. Kohn traveled to London from New York and elsewhere to pick up these checks in violation of the Travel Act under 18 U.S.C. § 1952 and in furtherance of the Illegal Scheme.

The December 12, 1997 and January 12, 1998 correspondences were transmitted via wire in foreign commerce and in violation of 18 U.S.C. § 1343. The transfers from Madoff constitute the laundering of monetary instruments and monetary transactions in criminally derived property in violation of 18 U.S.C. §§ 1956 and 1957, respectively, in furtherance of the Illegal Scheme. Under 18 U.S.C. §1957, all transactions exceed \$10,000. The information alleged herein is pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

This list contains the invoices in the Trustee's possession and, on

information and belief, is not exhaustive, as transfers of stolen Customer Property from Madoff to Erko began as early as 1987, five years before the Trustee currently has records in relation to these illegal transfers.

Date	Amount	From	To
December 31, 1992	\$33,079.00	MSIL	Erko
January 27, 1993	\$28,500.00	MSIL	Erko
May 21, 1993	\$32,500.00	MSIL	Erko
July 1, 1993	\$35,150.00	MSIL	Erko
November 10, 1993	\$46,600.00	MSIL	Erko
January 31, 1994	\$51,650.00	MSIL	Erko
April 28, 1994	\$59,700.00	MSIL	Erko
July 8, 1994	\$70,300.00	MSIL	Erko
October 3, 1994	\$71,100.00	MSIL	Erko
February 27, 1995	\$67,775.00	MSIL	Erko
April 18, 1995	\$60,000.00	MSIL	Erko
July 20, 1995	\$63,500.00	MSIL	Erko
October 24, 1995	\$68,700.00	MSIL	Erko
January 17, 1996	\$85,000.00	MSIL	Erko
April 17, 1996	\$106,000.00	MSIL	Erko
July 11, 1996	\$138,700.00	MSIL	Erko
October 16, 1996	\$175,000.00	MSIL	Erko
January 26, 1997	\$232,000.00	MSIL	Erko
April 11, 1997	\$341,900.00	MSIL	Erko
July 9, 1997	\$329,900.00	MSIL	Erko
October 7, 1997	\$430,000.00	MSIL	Erko
December 29, 1997	\$523,500.00	MSIL	Erko
March 19, 1998	\$511,500.00	MSIL	Erko
June 29, 1998	\$375,000.00	MSIL	Erko
September 28, 1998	\$375,000.00	MSIL	Erko
December 30, 1998	\$375,000.00	MSIL	Erko
March 30, 1999	\$375,000.00	MSIL	Erko
June 30, 1999	\$375,000.00	MSIL	Erko
September 27, 1999	\$375,000.00	MSIL	Erko
December 27, 1999	\$375,000.00	MSIL	Erko
March 24, 2000	\$375,000.00	MSIL	Erko
May 16, 2000	\$125,000.00	MSIL	Erko
June 29, 2000	\$500,000.00	MSIL	Erko
September 26, 2000	\$500,000.00	MSIL	Erko
December 28, 2000	\$500,000.00	MSIL	Erko
March 26, 2001	\$500,000.00	MSIL	Erko
June 26, 2001	\$500,000.00	MSIL	Erko
August 24, 2001	\$321,000.00	MSIL	Erko
September 28, 2001	\$775,000.00	MSIL	Erko
December 18, 2001	\$775,000.00	MSIL	Erko

TOTAL	\$11,058,054.00	MADOFF	KOHN
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Payments from Madoff to Tecno Italy and Kohn:

13. Starting in 2002, Kohn’s Italian Sham Entity Tecno Italy received transfers of stolen Customer Property from Madoff in furtherance of the Illegal Scheme. These transfers were authorized and executed by Flax and Raven. Kohn and Tecno Italy invoiced Madoff at MSIL. The transfers were transmitted via wire in foreign commerce.

At all relevant times, Medici S.r.l. and Tecno Italy were located at the same address and employed certain of the same individuals. Kohn also received correspondence for HAM and Bank Medici and/or Medici S.r.l. at the same address. Kohn treated Medici S.r.l. and Tecno Italy as indistinguishable entities. Blau was responsible for overseeing the day-to-day activities of Tecno Italy and owned 5% of its shares. In addition to being a key employee of Tecno Italy, Raule was its contact with respect to the transfers from Madoff at MSIL (as executed by Flax and Raven). Raule was also an employee of Medici S.r.l. Raule served as the secretary to Kohn and Mugnai. The funds transmitted to Tecno Italy and Kohn were provided by Madoff, and each payment is stolen Customer Property.

The May 22, 2002 invoice from Tecno Italy to Madoff at MSIL contains handwritten notes regarding Madoff’s payment approval. The June 28, 2002 invoice from Tecno Italy also notes Madoff’s approval and contains the handwritten notation “Erwin Kohn” and his Austrian phone number 0043xxxxxxxxxx. The September 26, 2002 invoice contains the handwritten notation “3rd October 2002. Discussed with Bernie who approved payment today.”

The invoices were sent by wire in foreign commerce and in violation of 18 U.S.C. § 1343. These payments constitute the laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1343, respectively, in furtherance of the Illegal Scheme.

Under 18 U.S.C. §1957, all transactions exceed \$10,000. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. The transfers set forth below reflect the dates and amounts of the invoices that Tecno Italy sent to MSIL. This list contains the invoices in the Trustee’s possession and, on information and belief, is not exhaustive.

Date	Amount	From	To
May 21, 2002	\$775,000.00	MSIL	Tecno Italy

June 28, 2002	\$775,000.00	MSIL	Tecno Italy
September 26, 2002	\$775,000.00	MSIL	Tecno Italy
January 10, 2003	\$775,000.00	MSIL	Tecno Italy
April 2, 2003	\$775,000.00	MSIL	Tecno Italy
July 1, 2003	\$775,000.00	MSIL	Tecno Italy
October 1, 2003	\$775,000.00	MSIL	Tecno Italy
February 3, 2004	\$775,000.00	MSIL	Tecno Italy
June 10, 2004	\$701,000.00	MSIL	Tecno Italy
July 8, 2004	\$700,000.00	MSIL	Tecno Italy
October 4, 2004	\$700,000.00	MSIL	Tecno Italy
January 11, 2005	\$700,000.00	MSIL	Tecno Italy
April 7, 2005	\$700,000.00	MSIL	Tecno Italy
July 1, 2005	\$700,000.00	MSIL	Tecno Italy
October 3, 2005	\$700,000.00	MSIL	Tecno Italy
January 9, 2006	\$700,000.00	MSIL	Tecno Italy
March 27, 2006	\$700,000.00	MSIL	Tecno Italy
July 3, 2006	\$700,000.00	MSIL	Tecno Italy
October 4, 2006	\$700,000.00	MSIL	Tecno Italy
January 2, 2007	\$700,000.00	MSIL	Tecno Italy
TOTAL	\$14,601,000.00	MADOFF	KOHN

Payments from Madoff to Kohn and Tecno Gibraltar:

14. Starting in 2007, Kohn's Gibraltarian Sham Entity, Tecno Gibraltar, received transfers of stolen Customer Property from Madoff in furtherance of the Illegal Scheme. These transfers were authorized by Madoff and executed by Flax and Raven. Kohn and Tecno Gibraltar invoiced Madoff at MSIL. The funds were transmitted via wire in foreign commerce.

At all relevant times, Amselem was responsible for overseeing the day-to-day operations of Tecno Gibraltar. On at least June 4, 2007, Amselem corresponded with Flax at MSIL via e-mail, in relation to confirming the transfers below. The funds transmitted to Kohn and Tecno Gibraltar were provided by Madoff, and each payment is stolen Customer Property.

The April 24, 2007, May 31, 2007, and June 1, 2007, Tecno Gibraltar invoices to Madoff at MSIL were payable to Wachovia Bank NA in New York. On information and belief, Tecno Gibraltar sent each invoice to Madoff at MSIL via facsimile.

The June 4, 2007 correspondence between Amselem and Flax constitutes wire fraud under 18 U.S.C. § 1343. The invoices were sent by wire in foreign commerce and constitute wire fraud under 18 U.S.C. § 1343. The transfers that followed constitute the laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in

violation of 18 U.S.C. §§ 1956, 1957, and 1343, respectively, in furtherance of the Illegal Scheme.

Under 18 U.S.C. §1957, all transactions exceed \$10,000. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. The transfers set forth below reflect the dates and amounts of the invoices that Tecno Italy sent to Madoff at MSIL. This list contains the invoices in the Trustee’s possession and, on information and belief, is not exhaustive.

Date	Amount	From	To
April 24, 2007	\$700,000.00	MSIL	Tecno Gibraltar
July 5, 2007	\$700,000.00	MSIL	Tecno Gibraltar
TOTAL	\$1,400,000.00	MADOFF	KOHN

Payments from BLMIS to Kohn and Tecno Gibraltar:

15. Starting in 2007, Kohn’s Gibraltarian Sham Entity Tecno Gibraltar received transfers of stolen Customer Property directly from BLMIS in furtherance of the Illegal Scheme. These transfers were authorized and executed by Madoff and BLMIS. On the dates set forth below, in the amounts set forth below, Kohn, Amselem, and Tecno Gibraltar caused payments of stolen Customer Property to be made by BLMIS to Kohn and Tecno Gibraltar by invoicing BLMIS. The funds were transmitted via wire in foreign commerce.

Each of Tecno Gibraltar’s invoices to Madoff at BLMIS was payable to account number xxxx xxx xxx xxx (CHIPS xxxxxx) at NatWest Offshore Limited Gibraltar for ultimate credit to Tecno Gibraltar account number xxxx-xxxxxxxx. On information and belief, Tecno Gibraltar sent each invoice to BLMIS in New York via mail or facsimile. Each invoice is marked by hand “TECNOKOHN.” The January 14, 2008 invoice is also marked “BLM Special.”

The invoices were sent either by wire or the U.S. Mail in violation of either 18 U.S.C. §§ 1341 or 1343. The monetary transfers that followed are laundering of monetary instruments, transactions in criminally derived property, wire fraud, and financial institution fraud in violation of 18 U.S.C. §§ 1956, 1957, 1343, and 1344 respectively. Under 18 U.S.C. §1957, all transactions exceed \$10,000. These wires were processed and received by Tecno Gibraltar, and this stolen Customer Property was under the custody and control of J.P. Morgan Chase, an FDIC-insured, New York-based financial institution. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

The transfers set forth below reflect the dates and amounts of the invoices that Tecno Italy sent to BLMIS in New York. This list contains the invoices in the Trustee's possession and, on information and belief, is not exhaustive.

Date	Amount	From	To
January 10, 2008	\$750,000.00	BLMIS	Tecno Gibraltar
February 6, 2008	\$750,000.00	BLMIS	Tecno Gibraltar
June 2, 2008	\$750,000.00	BLMIS	Tecno Gibraltar
August 8, 2008	\$750,000.00	BLMIS	Tecno Gibraltar
TOTAL	\$3,000,000.00	MADOFF	KOHN

Payments from BA Worldwide to Eurovaleur:

16. Since 1996, Radel-Leszczyński was employed by BA Worldwide and was responsible for its day-to-day activities, including the illegal transactions with Kohn's New York Sham Entity Eurovaleur alleged below. Duregger served as a director for BA Worldwide.

As part of the Medici Enterprise, BA Worldwide was a wholly owned subsidiary of Bank Austria. Bank Austria was responsible for overseeing the purported investment management activities of BA Worldwide. Bank Austria's director Kretschmer directly supervised Radel-Leszczyński. Kretschmer was also an employee of BA Worldwide. At all relevant times, Eurovaleur had no legitimate business purpose and existed only to further the Illegal Scheme. Starting in at least 1993, and lasting until at least 2005, Eurovaleur received payments from BA Worldwide. These payments were made at the direction of BA Worldwide, Bank Austria, and Radel-Leszczyński and resulted from BA Worldwide's agreement to pay Eurovaleur 20% of the income received from its various roles as investment manager and investment adviser to Primeo Fund, Alpha Prime Fund, and Thema International Fund. These payments to Eurovaleur were purportedly for sub-advisory services. On information and belief, Eurovaleur received these payments in exchange for Kohn's introduction of fellow Medici Enterprise members to Madoff and BLMIS.

These payments constitute the laundering of monetary instruments and monetary transactions in criminally derived property in violation of 18 U.S.C. §§ 1956 and 1957, respectively, in furtherance of the Illegal Scheme.

The following chart sets forth the dates and dollar amounts for these transactions. To the extent any of these payments are less than \$10,000, they are not Monetary Transactions in Criminally Derived Property under 18 U.S.C. §1957, but still constitute the Laundering of Monetary Instruments. This list reflects records of the wires drawn on BA

Worldwide's bank account and, on information and belief, is not exhaustive.

Date	Amount	From	To
January 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
February 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
March 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
April 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
May 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
June 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
July 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
August 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
September 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
October 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
November 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
December 1, 1996	\$1,796.68	BA Worldwide	Eurovaleur
January 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
February 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
March 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
April 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
May 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
June 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
July 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
August 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
September 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
October 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
November 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
December 1, 1997	\$9,022.20	BA Worldwide	Eurovaleur
January 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
February 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
March 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
April 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
May 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
June 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
July 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
August 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
September 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
October 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
November 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
December 1, 1998	\$26,285.30	BA Worldwide	Eurovaleur
January 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
February 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
March 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
April 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
May 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur

June 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
July 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
August 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
September 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
October 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
November 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
December 1, 1999	\$45,454.60	BA Worldwide	Eurovaleur
January 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
February 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
March 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
April 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
May 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
June 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
July 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
August 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
September 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
October 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
November 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
December 1, 2000	\$60,196.79	BA Worldwide	Eurovaleur
January 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
February 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
March 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
April 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
May 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
June 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
July 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
August 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
September 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
October 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
November 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
December 1, 2001	\$93,636.59	BA Worldwide	Eurovaleur
January 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
February 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
March 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
April 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
May 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
June 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
July 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
August 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
September 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
October 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
November 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
December 1, 2002	\$96,786.03	BA Worldwide	Eurovaleur
January 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur

February 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
March 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
April 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
May 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
June 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
July 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
August 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
September 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
October 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
November 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
December 1, 2003	\$118,475.88	BA Worldwide	Eurovaleur
January 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
February 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
March 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
April 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
May 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
June 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
July 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
August 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
September 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
October 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
November 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
December 1, 2004	\$134,922.65	BA Worldwide	Eurovaleur
January 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
February 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
March 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
April 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
May 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
June 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
July 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
August 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
September 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
October 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
November 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
December 1, 2005	\$136,724.00	BA Worldwide	Eurovaleur
January 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
February 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
March 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
April 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
May 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
June 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
July 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
August 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
September 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur

October 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
November 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
December 1, 2006	\$145,276.98	BA Worldwide	Eurovaleur
January 1, 2007	\$151,859.14	BA Worldwide	Eurovaleur
February 1, 2007	\$151,859.14	BA Worldwide	Eurovaleur
March 1, 2007	\$151,859.14	BA Worldwide	Eurovaleur
April 1, 2007	\$151,859.14	BA Worldwide	Eurovaleur
TOTAL	\$11,030,368.87	BA WORLDWIDE	KOHN

Payments from HAM to Bank Medici and Medici Cayman:

17. Kohn and E. Kohn are the beneficial owners of HAM. On the dates set forth below, in the amounts set forth below, HAM effected these transfers to Bank Medici and Medici Cayman.

Starting in 2006, Kohn, through HAM (which is located in the same office as Medici Cayman, Bank Austria Cayman, and APM Cayman) began transmitting money to Bank Medici and Medici Cayman. HAM effected these payments to Bank Medici and Medici Cayman via wire in foreign commerce. Over the course of almost three years (February 2006 through November 2008), HAM knowingly transferred these criminally derived proceeds of the Illegal Scheme to Bank Medici and Medici Cayman, which furthered the Illegal Scheme and unjustly enriched the Medici Enterprise.

These payments constitute the laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1343, respectively.

To the extent any of these payments are less than \$10,000, they are not monetary transactions in criminally derived property under 18 U.S.C. §1957, but still constitute the other predicate acts alleged herein. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. This list reflects records of the wires drawn on HAM's bank account and, on information and belief, is not exhaustive.

Date	Amount	From	To
February 7, 2006	€87,244.58	HAM	Bank Medici
February 7, 2006	\$84,159.90	HAM	Bank Medici
February 10, 2006	\$2,000.00	HAM	Bank Medici
February 10, 2006	€6,526.60	HAM	Bank Medici
April 28, 2006	€60,354.22	HAM	Bank Medici
April 28, 2006	\$87,064.53	HAM	Bank Medici
July 20, 2006	€107,432.71	HAM	Bank Medici

July 20, 2006	\$101,824	HAM	Bank Medici
October 23, 2006	€105,931.17	HAM	Bank Medici
October 23, 2006	\$109,316.54	HAM	Bank Medici
January 25, 2007	€106,388.30	HAM	Bank Medici
January 25, 2007	\$116,406.76	HAM	Bank Medici
February 20, 2007	€11.39	HAM	Bank Medici
March 21, 2007	€6,911.33	HAM	Bank Medici
March 21, 2007	\$750	HAM	Bank Medici
April 17, 2007	€22,629.21	HAM	Bank Medici
April 17, 2007	€21,819.61	HAM	Bank Medici
April 17, 2007	\$29,385.65	HAM	Bank Medici
April 17, 2007	\$28,991.95	HAM	Bank Medici
April 25, 2007	€1,848.75	HAM	Bank Medici
April 25, 2007	€201,641.29	HAM	Bank Medici
April 25, 2007	\$65,630.31	HAM	Bank Medici
May 24, 2007	€141,443.85	HAM	Bank Medici
May 24, 2007	\$31,042.70	HAM	Bank Medici
June 19, 2007	€142,870.21	HAM	Bank Medici
June 19, 2007	\$100,000	HAM	Bank Medici
June 19, 2007	\$55,728.67	HAM	Bank Medici
July 30, 2007	€19,708.42	HAM	Bank Medici
July 30, 2007	\$128,042.01	HAM	Bank Medici
August 24, 2007	€128,113.15	HAM	Bank Medici
August 24, 2007	\$80,591.73	HAM	Bank Medici
September 18, 2007	€129,795.39	HAM	Bank Medici
September 18, 2007	\$83,039.38	HAM	Bank Medici
September 26, 2007	\$120,000	HAM	Medici Cayman
October 17, 2007	€187,590.98	HAM	Bank Medici
October 17, 2007	\$135,535.59	HAM	Bank Medici
October 31, 2007	\$22,456.70	HAM	Bank Medici
October 31, 2007	€2,307.38	HAM	Bank Medici
November 16, 2007	€139,274.86	HAM	Bank Medici
November 16, 2007	\$143,052.69	HAM	Bank Medici
December 17, 2007	€134,935.23	HAM	Bank Medici
December 17, 2007	\$152,887.48	HAM	Bank Medici
January 22, 2008	\$449,164.40	HAM	Bank Medici
February 20, 2008	€132,184.65	HAM	Bank Medici
February 20, 2008	\$322,036.43	HAM	Bank Medici
March 18, 2008	€132,466.37	HAM	Bank Medici
March 18, 2008	\$255,458.46	HAM	Bank Medici
April 17, 2008	\$377,681.59	HAM	Bank Medici
May 19, 2008	€146,479.06	HAM	Bank Medici
May 19, 2008	\$285,539.98	HAM	Bank Medici
June 18, 2008	€143,589.33	HAM	Bank Medici

June 18, 2008	\$290,700.10	HAM	Bank Medici
July 20, 2008	€107,432.71	HAM	Bank Medici
July 23, 2008	\$670,822.62	HAM	Bank Medici
July 23, 2008	€243,331.82	HAM	Bank Medici
August 21, 2008	\$356,367.89	HAM	Bank Medici
August 21, 2008	€145,624.77	HAM	Bank Medici
September 19, 2008	\$363,667.44	HAM	Bank Medici
September 19, 2008	€145,943.22	HAM	Bank Medici
October 22, 2008	\$1,019,256.17	HAM	Bank Medici
October 22, 2008	€275,071.06	HAM	Bank Medici
November 20, 2008	€142,958.32	HAM	Bank Medici
November 20, 2008	\$361,434.62	HAM	Bank Medici
November 20, 2008	\$62,729.22	HAM	Medici Cayman
TOTAL	\$13,633,488.56	HAM	BANK MEDICI

Payments from HAM to APM Cayman:

18. In the late 1990s, on two separate occasions, Kohn and Kastner traveled to BLMIS's headquarters in New York. The purpose of these travels was to confer with Madoff in relation to the distribution of the Medici Enterprise Feeder Funds. These travels constitute violations of the Travel Act under 18 U.S.C. § 1952.

Starting in 2006, Kohn, through HAM, began transmitting money to APM Cayman. HAM effected these payments to APM Cayman via wire in foreign commerce. Over the course of almost three years (February 2006 through October 2008), HAM knowingly transferred these criminally derived proceeds of the Illegal Scheme to APM Cayman, which furthered the Illegal Scheme and unjustly enriched the Medici Enterprise. On the dates set forth below, in the amounts set forth below, HAM effected these transfers to APM Cayman. On information and belief, these were retrocession fees made in consideration of MediciFinanz's role as the largest distributor of Herald Fund, Primeo Fund, Herald (Lux), and Thema International in Germany.

The HAM wires constitute the laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1343, respectively, in furtherance of the Illegal Scheme.

To the extent any of these payments are less than \$10,000, they are not monetary transactions in criminally derived property under 18 U.S.C. §1957, but still constitute the other predicate acts alleged herein. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. This list reflects records of the wires

drawn on HAM's bank account and, on information and belief, is not exhaustive.

Date	Amount	From	To
February 10, 2006	€32,669.64	HAM	APM Cayman
February 10, 2006	€3,797.30	HAM	APM Cayman
February 10, 2006	\$79,741.05	HAM	APM Cayman
February 10, 2006	\$10,330.96	HAM	APM Cayman
April 28, 2006	€24,286.80	HAM	APM Cayman
April 28, 2006	€5,327.46	HAM	APM Cayman
April 28, 2006	\$94,031.28	HAM	APM Cayman
April 28, 2006	\$7,323.48	HAM	APM Cayman
July 20, 2006	\$102,556.13	HAM	APM Cayman
July 20, 2006	\$7,330.23	HAM	APM Cayman
July 20, 2006	€489,735.73	HAM	APM Cayman
July 20, 2006	€45,861.89	HAM	APM Cayman
July 20, 2006	€2,951.00	HAM	APM Cayman
October 23, 2006	€65,611.22	HAM	APM Cayman
October 25, 2006	\$96,745.34	HAM	APM Cayman
April 25, 2007	€16,548.19	HAM	APM Cayman
April 25, 2007	\$99,813.29	HAM	APM Cayman
July 24, 2007	€92,227.05	HAM	APM Cayman
July 24, 2007	\$129,845.63	HAM	APM Cayman
August 14, 2007	\$28,009.02	HAM	APM Cayman
October 17, 2007	€77,992.83	HAM	APM Cayman
October 17, 2007	\$520,003.55	HAM	APM Cayman
October 17, 2007	\$53,895.12	HAM	APM Cayman
January 22, 2008	€21,763.02	HAM	APM Cayman
January 22, 2008	\$645,841.71	HAM	APM Cayman
January 22, 2008	\$81,386.58	HAM	APM Cayman
March 18, 2008	\$28,000.00	HAM	APM Cayman
April 17, 2008	€82,515.08	HAM	APM Cayman
April 17, 2008	\$569,887.13	HAM	APM Cayman
April 17, 2008	\$72,117.34	HAM	APM Cayman
July 23, 2008	\$352,523.21	HAM	APM Cayman
July 23, 2008	\$82,110.19	HAM	APM Cayman
July 23, 2008	€78,554.98	HAM	APM Cayman
October 22, 2008	\$88,837.47	HAM	APM Cayman
October 22, 2008	\$731,982.70	HAM	APM Cayman
October 22, 2008	€767,283.07	HAM	APM Cayman
TOTAL	\$12,940,394.34	HAM	APM Cayman

Payments from HAM to Bank Austria Cayman:

19. Starting in 2006, Kohn, through HAM (which is located in the same office

as Bank Austria Cayman, Medici Cayman, and APM Cayman), began transmitting moneys to Bank Austria Cayman. HAM effected these payments to Bank Austria Cayman via wire in foreign commerce.

In fifteen months (November 2006 through January 2008), HAM knowingly transferred these criminally derived proceeds of the Illegal Scheme to Bank Austria Cayman, which furthered the Illegal Scheme and unjustly enriched the Medici Enterprise. On the dates set forth below, in the amounts set forth below, HAM effected these transfers to Bank Austria and Bank Austria Cayman.

These payments constitute the laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1343, respectively.

The January 12, 2006, August 14, 2007, and January 8, 2008 transfers are less than \$10,000. Hence, they are not monetary transactions in criminally derived property under §1957, but still constitute the other predicate acts alleged herein. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. This list reflects records of the wires drawn on HAM’s bank account and on information and belief is not exhaustive.

Date	Amount	From	To
November 22, 2006	\$25,000	HAM	Bank Austria Cayman
January 12, 2007	\$3,293	HAM	Bank Austria Cayman
August 14, 2007	\$3,086.18	HAM	Bank Austria Cayman
January 8, 2008	\$3,926.37	HAM	Bank Austria Cayman
January 23, 2008	\$24,000	HAM	Bank Austria Cayman
TOTAL	\$59,305.55	HAM	BANK AUSTRIA CAYMAN

Payments between HAM, Bank Medici, and Pioneer:

20. On April 25, 2007, Pioneer replaced BA Worldwide as the investment manager and adviser to Primeo Fund. UniCredit, Profumo, and Guty, through Pioneer, conspired to mask Primeo Fund’s investment with BLMIS by undertaking to invest the fund indirectly through Herald Fund, Alpha Prime Fund, and REDACTED Kohn, through Bank Medici, conspired to market, distribute, and sell Primeo Fund in furtherance of this misdirection. For agreeing to market and distribute Primeo Fund, Pioneer paid Bank Medici \$1,394,350 on or about 2007. This payment constitutes a monetary transaction in criminally derived property under 18 U.S.C. § 1957.

Starting no later than July 2008, Kohn, through HAM, began transmitting retrocession fees to UniCredit's Pioneer for marketing, distributing, and selling Herald Fund (into which UniCredit conspired with Kohn and Eurovaleur, among others, to disguise Primeo Fund's investment in BLMIS) in furtherance of the Illegal Scheme and enriching the Medici Enterprise.

These payments constitute the laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1343, respectively. HAM effected these payments to Pioneer via wire in foreign commerce. On the dates set forth below, in the amounts set forth below, HAM effected these transfers to Pioneer.

Under 18 U.S.C. §1957, all payments exceed \$10,000. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. This list reflects records of the wires drawn on HAM's bank account and, on information and belief, is not exhaustive.

Date	Amount	From	To
July 21, 2008	\$2,376,839.07	HAM	Pioneer
August 7, 2008	\$1,136,888.72	HAM	Pioneer
September 17, 2008	\$1,228,499.43	HAM	Pioneer
October 20, 2008	\$3,493,016.43	HAM	Pioneer
November 12, 2008	\$1,204,544.30	HAM	Pioneer
TOTAL	\$9,439,787.95	HAM	PIONEER

Payments from HAM to Hassans:

21. On Tuesday, December 11, 2008, Madoff was arrested and confessed to running a Ponzi scheme. His arrest was publicized around the world. The following Monday, Kohn, through HAM, finalized the transmissions of two payments to accounts in Gibraltar held by Hassans.

These payments constitute the laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1343, respectively. HAM effected these payments to Hassans via wire in foreign commerce.

Under 18 U.S.C. §1957, these payments exceed \$10,000. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. This list reflects records of the wires drawn on HAM's bank account and, on information and belief, is not

exhaustive.

Date	Amount	From	To
December 15, 2008	\$6,500,000	HAM	Hassans
December 15, 2008	€6,500,000	HAM	Hassans
TOTAL	\$15,201,550	HAM	HASSANS

Payments from HAM to Sofipo:

22. On April 2, 2007, Cosulich, director of HAM and the Managing Director of Sofipo, sent a facsimile to BLMIS from a Sofipo facsimile machine using HAM letterhead. Cosulich notified BLMIS that: (i) Herald Fund planned to infuse \$35 million of Primeo Fund's money into Herald Fund's BLMIS account; and (ii) at UniCredit's direction, Primeo Fund would stop investing directly with BLMIS and begin covertly investing indirectly through Herald Fund.

Starting in 2007, Kohn, through HAM, began transmitting fees to Sofipo in furtherance of the Illegal Scheme. HAM effected these payments to Sofipo via wire in foreign commerce. Between November 2007 through October 2008, HAM knowingly transferred these criminally derived proceeds of the Illegal Scheme to Sofipo, which furthered the Illegal Scheme and unjustly enriched the Medici Enterprise. On the dates set forth below, in the amounts set forth below, HAM effected these transfers to Sofipo.

These payments constitute the laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in violation of 18 U.S.C. §§ 1956 and 1343, respectively, in furtherance of the Illegal Scheme.

The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. This list reflects records of the wires drawn on HAM's bank account and, on information and belief, is not exhaustive.

Date	Amount	From	To
November 16, 2007	€424.01	HAM	Sofipo
April 17, 2008	€1,025.87	HAM	Sofipo
July 23, 2008	\$690.21	HAM	Sofipo
July 23, 2008	€409.38	HAM	Sofipo
October 22, 2008	\$703.69	HAM	Sofipo
October 22, 2008	€352.37	HAM	Sofipo
TOTAL	\$4,760.31	HAM	SOFIPO

Payments from HAM to Mugnai, de Sury, and Cosulich:

23. Mugnai, de Sury, and Cosulich oversaw the day-to-day operations of HAM and each distributed Herald Fund. Mugnai, de Sury, and Cosulich received retrocession fees from HAM for soliciting investors into the Ponzi scheme.

Starting in 2006, Kohn, via HAM, transmitted these fees to Mugnai, de Sury, and Cosulich in furtherance of the Illegal Scheme. HAM effected these transfers to the above named Defendants via wire in foreign commerce. The following chart sets forth that Mugnai, de Sury, and Cosulich engaged in monetary transactions of criminally derived property with HAM, along with the dates and dollar amounts for these transactions.

These transfers constitute the laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1343, respectively, in furtherance of the Illegal Scheme.

To the extent any of these payments are less than \$10,000, they are not Monetary Transactions in Criminally Derived Property under 18 U.S.C. §1957, but still constitute the other predicate acts alleged herein. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. This list reflects records of the wires drawn on HAM’s bank account and, on information and belief, is not exhaustive.

Date	Amount	From	To
June 1, 2006	€2,273.28	HAM	Mugnai
August 1, 2006	€10,671.73	HAM	Mugnai
October 23, 2006	€35,137.62	HAM	Mugnai
January 25, 2007	€33,694.96	HAM	Mugnai
March 13, 2007	€10,000.00	HAM	de Sury
April 25, 2007	€32,673.25	HAM	Mugnai
July 24, 2007	€20,230.27	HAM	Mugnai
October 17, 2007	€23,634.79	HAM	Mugnai
January 22, 2008	€24,530.66	HAM	Mugnai
January 23, 2008	\$696.20.00	HAM	Mugnai
March 18, 2008	€19,000.00	HAM	de Sury
April 17, 2008	€22,463.43	HAM	Mugnai
April 30, 2008	€30,000.00	HAM	de Sury
May 15, 2008	€30,000.00	HAM	Cosulich
July 23, 2008	\$710.58	HAM	Mugnai
July 23, 2008	€17,444.71	HAM	Mugnai
August 21, 2008	€20,000.00	HAM	de Sury

October 22, 2008	\$790.96	HAM	Mugnai
October 22, 2008	€18,249.59	HAM	Mugnai
December 17, 2008	€15,000.00	HAM	de Sury
TOTAL	\$522,350.80	HAM	KOHN CO- CONSPIRATORS

Kohn used HAM as a Slush Fund:

24. At all relevant times, Kohn furthered the Illegal Scheme and fortified the Medici Enterprise through payments to various individuals and entities with no legitimate connection to HAM, Bank Medici, Bank Austria or other members of the Medici Enterprise. Kohn disregarded the corporate formalities of her Sham Entities and treated them like a personal piggy bank.

For example, starting in 2008, Kohn, through HAM, began transmitting fees to Revi in furtherance of the Illegal Scheme. HAM effected these payments to Revi via wire in foreign commerce.

On information and belief, these payments were used to capitalize Kohn's latest tranche of Sham Entities, in an effort to create an exit strategy for when BLMIS collapsed.

In 2008, HAM knowingly transferred these criminally derived proceeds of the Illegal Scheme to Revi, which furthered the Illegal Scheme and unjustly enriched the Medici Enterprise. On the dates set forth below, in the amounts set forth below, HAM effected these transfers to Revi.

Also, Kohn made a large one-time payment to Gerila. On information and belief, this payment was a personal loan from Kohn to her close personal friend, Kastner, a German financial executive who owned and managed APM Cayman and MediciFinanz. On information and belief, the purpose of this loan was to help Kastner pay for expenses associated with his divorce. The following chart sets forth that HAM knowingly engaged in monetary transactions of criminally derived property with Gerila, along with the dates and dollar amounts for these transactions.

These transfers constitute the laundering of monetary instruments, monetary transactions in criminally derived property, and wire fraud in violation of 18 U.S.C. §§ 1956, 1957, and 1343, respectively, in furtherance of the Illegal Scheme.

Under §1957 these payments exceed \$10,000. The table below and the information alleged herein are pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud. This list reflects records of the wires drawn on HAM's

bank account and on information and belief is not exhaustive.

Date	Amount	From	To
January 9, 2008	\$2,000,042.00	HAM	Revi
January 9, 2008	€2,000,028.51	HAM	Revi
March 26, 2008	€600,000.00	HAM	Gerila
March 27, 2008	€250,000.00	HAM	Revi
TOTAL	\$6,265,313.93	HAM	REVI/GERILA

Kohn Continued the Illegal Scheme After December 11, 2008:

25. At all relevant times, including after Madoff’s confession, Kohn, UniCredit, Bank Austria, Bank Medici, Zapotocky, Scheithauer, Lavi, and Radel-Leszczynski conspired to conceal the role of BLMIS and Madoff in the Medici Enterprise Feeder Funds.

On December 23, 2008, Shpe met with Scheithauer and Lavi to discuss her investment with Herald (Lux) in light of Bank Medici’s exposure to BLMIS. On information and belief, Scheithauer and Lavi denied having knowledge of Bank Medici’s exposure to BLMIS. Later that day Kohn telephoned Shpe to deny having known that Herald (Lux) invested with BLMIS. At all relevant times, Scheithauer served as a director of Herald (Lux). This correspondence was made with the intention to defraud and furthered the Illegal Scheme.

Soon after this phone call, Lavi called Shpe to confess that Kohn personally instructed her and all Bank Medici employees not to disclose to clients that their assets were invested with BLMIS.

The December 23, 2008 telephone call from Kohn was transmitted via wire in foreign commerce and in violation of 18 U.S.C. § 1343. The information alleged herein is pled in accordance with the particularity requirements of Fed. R. Civ. P. 9(b) with respect to circumstances constituting fraud.

(3) If the RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities, the “circumstances constituting fraud or mistake shall be stated with particularity.” Fed. R. Civ. P. 9(b). Identify the nature, time, place and contents of misrepresentations, and the identity of persons to whom and by whom the alleged misrepresentations were made; it must be clear why the plaintiff claims the acts to constitute fraud or misrepresentations:

The Trustee’s RICO claims are not based on predicate offenses of fraud in the sale of securities. The Trustee has alleged each predicate act of wire fraud, mail fraud, and financial institution fraud with the particularity required by Fed. R. Civ. P. 9(b).

(4) State whether there has been a criminal conviction for violation of the predicate acts:

The Trustee is not aware whether any Defendants in this action have been criminally convicted in relation to the predicate acts alleged herein. The Trustee understands, however, that Kohn, Bank Medici, Bank Austria, and many other members of the Medici Enterprise are being investigated by law enforcement authorities in the United States, Great Britain, France, Austria, Switzerland, Luxembourg, Liechtenstein, and elsewhere. Madoff and DiPascali have pled guilty to federal crimes, as set forth herein.

(5) State whether civil litigation has resulted in a judgment with regard to predicate acts:

The Trustee is aware of and has brought certain ongoing civil litigations in the United States and elsewhere in relation to the Medici Enterprise Feeder Funds and certain members of the Medici Enterprise that have not yet resulted in a judgment. Kohn, Bank Austria, Bank Medici, and other members of the Medici Enterprise have been named in multiple lawsuits in the United States and elsewhere in relation to the Illegal Scheme and the predicate acts alleged herein and in the accompanying Complaint.

(6) Describe how the predicate acts form a “pattern of racketeering activity”:

The predicate acts form a “pattern of racketeering activity” and are all part of a common criminal plan to perpetrate the Illegal Scheme and enrich the Medici Enterprise through the Defendants’ criminal and fraudulent conduct. The Illegal Scheme began in or about 1985 when Kohn met Madoff in New York, continued through Madoff’s confession on December 11, 2008, and may be ongoing. Kohn has dissipated stolen Customer Property and other criminally derived proceeds of the Illegal Scheme since the collapse of the Ponzi scheme. All of the predicate acts relate to one another because they represent a common scheme to further the Illegal Scheme and enrich the Medici Enterprise. The predicate acts progressed in a logical fashion as the Illegal Scheme expanded from its core in New York and as it fed (and fed off of) BLMIS in New York. Kohn received stolen Customer Property directly from BLMIS at least quarterly from at least 1987 until 2008 with few (if any) interruptions to this pattern of transfers. These payments progressed in a pattern from one of Kohn’s Sham Entities to another as she endeavored to conceal her secret corrupt kickbacks from Madoff.

This twenty year pattern is comprised of repeated and related predicate acts of: (i) engaging in monetary transactions in property derived from specific unlawful activity in violation of 18 U.S.C. § 1957; (ii) wire fraud in violation of 18 U.S.C. § 1343; (iii) mail fraud in violation of 18 U.S.C. § 1341; (iv) money laundering in violation of 18 U.S.C. § 1956; (v) financial institution fraud in violation of 18 U.S.C. § 1344; and (vi) interstate and international travel in violation of the Travel Act, 18 U.S.C. § 1952.

(7) State whether the alleged predicate acts relate to each other as part of a common plan. If so, describe in detail:

All of the predicate acts relate to each other as a part of a common plan to effect the Illegal Scheme as alleged in detail herein and in the accompanying Complaint.

g. Describe in detail the alleged Enterprise for each RICO claim:

The Medici Enterprise is composed of the fifty-seven known individual and corporate Defendants named in this action. The Medici Enterprise is an association in fact, and not a legal entity. In furtherance of the Illegal Scheme, the Defendants, as members of the Medici Enterprise, committed certain predicate acts alleged herein that constitute violations of RICO §1962 (c) and (d).

g(1) State the names of the individuals, partnerships, corporations, associations, or other legal entities that constitute the Enterprise:

All Defendants are members of the Medici Enterprise.

g(2) Describe the structure, purpose, function and course of conduct of the Enterprise:

Structure:

The Medici Enterprise: (i) is an ongoing association in fact with a decision-making framework or mechanism for controlling the association; (ii) has associated members with a common purpose that functions as a continuing unit; and (iii) is separate and apart from the pattern of racketeering activity. Conduct of the members of the Medici Enterprise as it relates to the Illegal Scheme is for the most part directed by Kohn and her instrumentality Bank Medici, a branch of Bank Austria, which acted through, among others, Randa and Zapotocky. This is the structure of the Medici Enterprise as it relates to the “Money-In” aspect of the Illegal Scheme.

Kohn orchestrated the siphoning of stolen Customer Property directly from the BLMIS estate through her family and her network of Sham Entities in New York and elsewhere. This is the structure of the Medici Enterprise as it relates to the “Money-Out” aspect of the Illegal Scheme.

Purpose and Function:

All Defendants, as members of the Medici Enterprise, are participants in the Illegal Scheme in different capacities, functions, and roles calculated to enrich and expand the Medici Enterprise so that it could continue to perpetrate the “Money-In” and “Money-Out” aspects of the Illegal Scheme.

Course of Conduct:

Medici Enterprise governance occurred through frequent communications among its members by means of interstate and international wire communication via telephone, facsimile,

and e-mail in interstate and international commerce in addition to travel to and from New York and internationally.

g(3) State whether any Defendants are employees, officers or directors of the alleged Enterprise:

The Medici Enterprise is an association in fact that exists apart from its constituent Defendant members. As alleged herein, however, certain individual Defendants are employees, officers, or directors of certain corporate Defendants.

g(4) State whether any Defendants are associated with the Enterprise:

All Defendants are associated with and members of the Medici Enterprise.

g(5) State whether you claim that the Defendants are individuals or entities separate from the Enterprise, or that the Defendants are the Enterprise itself, or members of the Enterprise:

The Medici Enterprise is an association in fact that exists apart from its constituent Defendant members. As alleged herein and in the accompanying Complaint, however, certain individual Defendants are employees, officers, or directors of certain corporate Defendants. All Defendants are associated with and members of the Medici Enterprise.

g(6) If any Defendants are alleged to be the Enterprise itself, or members of the enterprise, explain whether such Defendants are perpetrators or passive instruments:

All Defendants, as members of the Medici Enterprise, are participants in the Illegal Scheme in different capacities, functions, and roles calculated to further its unlawful purposes as alleged herein.

h. State and describe in detail whether you claim that the pattern of racketeering activity and the Enterprise are separate or have merged into one entity:

The pattern of racketeering activity and certain Defendants have merged. For example, Kohn and the Kohn Sham Entity Defendants appear to have no other purpose than to further the Illegal Scheme through siphoning stolen Customer Property directly from the BLMIS estate. The predicate acts alleged herein are the sole activity of among others, Kohn and the Kohn Sham Entity Defendants.

Other members of the Medici Enterprise, however, are apparently engaged in other lawful business activity outside of the pattern of racketeering activity alleged herein that furthered the Illegal Scheme. For example, on information and belief, Bank Austria and UniCredit are legitimate financial institutions. Although Bank Austria and UniCredit committed predicate acts in furtherance of the Illegal Scheme and are members of the Medici Enterprise Bank Austria and UniCredit also have an existence separate and distinct from the Medici Enterprise. Bank Austria and UniCredit subverted their legitimate purposes at the direction of Kohn, among others, and committed the predicate acts alleged herein. All Defendants, however,

were at all times relevant to this action, employed by or associated with the Medici Enterprise, the activities of which affect foreign and interstate commerce.

i. Describe the relationship between the activities of the Enterprise and the pattern of racketeering activity. Discuss how the pattern of racketeering activity differs from the usual and daily activities of the Enterprise, if at all:

The Medici Enterprise exists only to further the Illegal Scheme. Its pattern of racketeering activity does not differ from the daily activities of the Medici Enterprise. The Illegal Scheme exploited the credibility, wealth, infrastructure, and financial expertise of Bank Austria and UniCredit to solicit investors for the Ponzi scheme. All Defendants knew or had reason to know that the appearance of legitimacy was unwarranted.

j. Describe what benefits, if any, the Enterprise receives from the alleged pattern of racketeering:

Each member the Medici Enterprise received the benefit of stolen Customer Property in the form of, among other things, secret corrupt kickbacks from Madoff, unearned fees, compensation, bonuses, and other proceeds of the Illegal Scheme.

k. Describe the effect of the activities of the Enterprise on interstate or foreign commerce:

The Illegal Scheme fed and perpetuated Madoff's Ponzi scheme while depleting the BLMIS estate. The Ponzi scheme could not have continued without a constant influx of fresh capital. The effect of the collapse of BLMIS on interstate commerce is a matter of public record and a fact of which this Court can take judicial notice. Kohn and other Defendants used and exploited U.S. financial institutions, the USPTO, lawyers in New York, other states and overseas, as well as interstate and international telephone, facsimile, e-mail, and, wire transfer communications from no later than 1985 to the present. The activities of the Medici Enterprise directly affected U.S. interstate and foreign commerce through the Illegal Scheme.

l. If the Complaint alleges a violation of 18 U.S.C. § 1962(a), describe in detail the acquisition or maintenance of any interest in or control of the alleged Enterprise:

1. State who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt:

2. Description of the use or investment of such income:

The Trustee does not allege a violation of 18 U.S.C. §1962(a).

m. If the Complaint alleges a violation of 18 U.S.C. § 1962(b), describe in detail the acquisition or maintenance of any interest in or control of the alleged Enterprise:

The Trustee does not allege a violation of 18 U.S.C. § 1962(b) although the fees and commissions received by certain Defendants, such as Bank Austria and UniCredit, enhanced

their ability to acquire an interest in, and/or establish the operation of, certain Defendants that also furthered the Illegal Scheme through a continued pattern of racketeering activity.

n. If the Complaint alleges a violation of 18 U.S.C. § 1962(c):

(i) State who is employed by or associated with the Enterprise; and

(ii) Describe whether the same entity is both the liable “person” and the “enterprise” under § 1962(c):

The Trustee interprets this question as seeking information only as to parties to this action who are “employed by” or “associated with” corporate Defendants that are members of the Medici Enterprise. These Defendants have numerous employees and associated individuals and entities that are not parties to this action.

Subject to the above interpretation, the Trustee states that the Complaint alleges a violation of 18 U.S.C. § 1962(c) and that the specific employees and associates of each Defendant member of the Medici Enterprise are alleged fully herein and in the Complaint.

o. If the Complaint alleges a violation of 18 U.S.C. §1962(d), describe in detail the alleged conspiracy:

The Complaint alleges a violation of 18 U.S.C. § 1962(d) in that the Defendant members of the Medici Enterprise conspired among themselves to effect the Illegal Scheme as alleged fully herein and in the Complaint.

p. Describe the alleged injury to business or property:

As a direct and proximate result of the Illegal Scheme, the BLMIS estate has been further depleted and the Trustee is unable to repay creditors of the BLMIS estate and customers of BLMIS.

q. Describe the causal relationship between the injury and violation of the RICO statute:

In the absence of the Illegal Scheme the Ponzi scheme would have existed and it would have continued. The Illegal Scheme, however, infused the Ponzi scheme with over \$9 billion in fresh capital that prolonged it, and is arguably the “sine qua non” of the Ponzi scheme, at least as of the inception of the Illegal Scheme. The role of Kohn, Bank Medici, Bank Austria, and UniCredit lent BLMIS an appearance of legitimacy and credibility that protected it from exposure. Every day that the Ponzi scheme continued, the assets of the BLMIS estate was depleted further.

r. List the damages sustained for which each Defendant is liable:

All Defendants are jointly and severally liable for all damages to the BLMIS estate.

s. List all other federal causes of action, if any, and provide the relevant statute:

Federal bankruptcy claims: 11 U.S.C. §§ 544, 547, 548, 550, and 551.

t. List all pendent state claims, if any:

New York Debtor and Creditor Law §§ 273-279 and New York Civil Practice Laws and Rules 203(g) and 213(8). New York Unjust Enrichment, Conversion, and Money Had and Received.

u. Provide any additional information potentially helpful to the Court in adjudicating your RICO claim:

N/A

Dated: New York, New York
December 10, 2010

/s/ Timothy S. Pfeifer

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