

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PHYLLIS MOLCHATSKY and	:	
STEVEN SCHNEIDER, M.D.,	:	
	:	
Plaintiffs,	:	
	:	09 CIV 8697 (LTS/AJP)
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	
	:	
_____	X	

**NOTICE OF SUPPLEMENTAL AUTHORITY**

The United States respectfully submits, in further support of its motion to dismiss for lack of subject-matter jurisdiction, the attached pertinent and significant authority rendered since the United States filed its reply brief.

On April 20, 2010, the United States District Court for the Central District of California issued its decision in *Dichter-Mad Family Partners, LLP v. United States*, CV-09-9061 SVW (FMOx). That case, like this one, was brought by investors in Bernard Madoff’s Ponzi scheme who alleged that the SEC negligently failed to detect and disclose Madoff’s wrongdoing. The court granted the United States’ motion to dismiss based on the discretionary function exception.

Respectfully submitted,

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