

RE: Scheduling Bernie Madoff's Testimony

5/8/2006 7:40:07 PM

From: Cheung, Meaghan S.

To: Suh, Simona Personal Privacy; Lamore, Peter Personal Privacy

At this point I would lean towards getting him in sooner rather than later. We could always ask him to come back if anything shocking comes up in the documents.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Suh, Simona

To: Cheung, Meaghan S.; Lamore, Peter

Sent: Mon May 08 19:42:31 2006

Subject: Scheduling Bernie Madoff's Testimony

What is your view on trying to schedule Bernie's testimony for the second half of next week – Thursday 5/18 or Friday 5/19? The downside is that we will not yet have the account statements from The Bank of New York, Barclays or DTC, and there will probably still be unreviewed portions of the Tremont productions. On the other hand, if we wait to get and analyze those statements and to complete the document review, that could delay the testimony until mid-June.



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NORTHEAST REGIONAL OFFICE
3 WORLD FINANCIAL CENTER, ROOM 4300
NEW YORK, NEW YORK 10281

WRITERS DIRECT DIAL LINE
Personal Privacy

May 9, 2006

VIA FEDERAL EXPRESS

[REDACTED]
The Bank of New York
1 Wall Street
Legal Department, 29th Floor
New York, NY 10286

Re: **Certain Hedge Fund Trading Practices, NY-7563-A**

Personal Privacy
[REDACTED]

The staff of the Securities and Exchange Commission is conducting an informal investigation in the matter identified above. The staff believes that The Bank of New York or its present or former parents, subsidiaries, affiliates, predecessors, successors, officers, directors, employees, agents, accountants, attorneys, general partners, limited partners, and partnerships of any of the foregoing, wherever located worldwide (collectively, "The Bank of New York"), may have documents and information that would assist the staff in its investigation. Accordingly, the staff requests that The Bank of New York produce the following documents:

- (1) for the time period from January 1, 2005 through the present ("Relevant Period"), all account statements for all Bank of New York accounts of Bernard L. Madoff Investment Securities LLC or Madoff Securities International Limited, including account number 8661126621 (collectively, "Relevant Accounts");
- (2) all account opening documents for the Relevant Accounts;
- (3) for the Relevant Period, any documents evidencing the transfer of funds into or out of the Relevant Accounts, including, without limitation, wire transfer instructions, instructions to transfer securities and cancelled checks (front and back).

ENF_NY-07563_SUHS 012959

MADOFF_EXHIBITS-04983

With the understanding that the production of documents is voluntary, please forward the requested documents to my attention at the above address by **May 24, 2006**. If any document responsive to this request is withheld because of a claim of attorney-client privilege, work product protection, or some other evidentiary privilege, please identify (where applicable) for each such document: (a) the attorney(s) and the client(s) involved; (b) all persons or entities to whom the document was sent or who otherwise received it; (c) all persons or entities to whom the substance of the document, in whole or in part, was communicated; (d) the date of the document; and (e) the subject matter of the document.

This investigation is a non-public, fact-finding investigation. We are trying to determine whether there have been any violations of the federal securities laws. The investigation and this request do not mean that we have concluded that The Bank of New York or anyone else has broken the law. Also, the investigation does not mean that we have a negative opinion of any person, entity or security.

Information provided is subject to the Commission's routine uses. A list of those uses and other important information is contained in SEC Form 1662, a copy of which is enclosed. If you have any questions concerning this matter, please contact me at [REDACTED] or Meaghan Cheung at [REDACTED].

Very truly yours,

Simona K. Suh
Senior Attorney

Enclosure: SEC Form 1662