

## US District Court Criminal Docket

U.S. District - New York Southern  
(Foley Square)

1:08mj2735

**USA v. Madoff**

This case was retrieved from the court on Friday, January 30, 2009

Date Filed: 12/11/2008      Class Code:  
Other Docket: None      Closed: no

### Defendants

#### Name

Bernard L. Madoff(1)

#### Attorneys

[Daniel James Horwitz](#)  
[COR LD NTC]  
[Dickstein Shapiro LLP \(NY\)](#)  
1177 Avenue of Americas  
New York, NY 10036  
USA  
(212) 277-6500  
Fax: (212) 997-9880  
Email: horwitzd@dsmo.com

[Nicole Pappas De Bello](#)  
[COR LD NTC]  
[Dickstein Shapiro LLP \(NY\)](#)  
1177 Avenue of the Americas  
New York, NY 10036  
USA  
(212) 277-6589  
Fax: (212)-997-9880  
Email: wrobleskin@dsmo.com

#### Charges

Complaints: 15 U.S.C. 78j (b), 78ff, 17 C.F.R. 240.10b-5  
(SECURITIES FRAUD)

Pending: none

Terminated: none

Case Assigned to: Judge Unassigned

#### Disposition

### U. S. Attorneys

[Marc O Litt](#)  
[COR LD NTC]  
[U.S. Attorney's Office, SDNY \(St Andw's\)](#)  
One St. Andrew's Plaza  
New York, NY 10007  
USA  
(212) 637-2295  
Fax: (212) 637-0083  
Email: Marc.Litt@usdoj.gov

Date

#

Proceeding Text

12/11/2008

1

COMPLAINT as to Bernard L. Madoff (1). In Violation of 15 U.S.C. 78j (b), 78ff; 17 C.F.R. 240.10b-5 (Securities

		Fraud) (Signed by Judge Magistrate Judge Douglas F. Eaton) (dif) (Entered: 12/12/2008)
12/11/2008	--	Arrest of Bernard L. Madoff. (dif) (Entered: 12/12/2008)
12/11/2008	2	NOTICE OF ATTORNEY APPEARANCE: Retained Attorney Daniel James Horwitz appearing for Bernard L. Madoff. (dif) (Entered: 12/12/2008)
12/11/2008	3	NOTICE OF ATTORNEY APPEARANCE: Retained Attorney Nicole Pappas De Bello appearing for Bernard L. Madoff. (dif) (Entered: 12/12/2008)
12/11/2008	--	Minute Entry for proceedings held before Magistrate Judge Douglas F. Eaton: Initial Appearance as to Bernard L. Madoff held on 12/11/2008., with Retained Attorney Daniel J. Horwitz and Nicole P. De Bello and AUSA Marc Litt for the government. 10 MILLION PRB; 4 FRP'S; Travel Limited to SDNY/EDNY and District of Connecticut; Surrender Travel Documents (& No New Applications); Deft to be Released upon His Signature and His Wife's Signature; Remaining Conditions to be Met by Dec 16, 2008 at 2:00 PM (3 More Co-Signers, Plus Posting the Apartment); (Preliminary Examination set for 1/12/2009 at 10:00 AM before Judge Unassigned.) (dif) (Entered: 12/12/2008)
12/11/2008	4	PRB APPEARANCE Bond Entered as to Bernard L. Madoff in amount of \$ 10 MILLION PRB, 4 FRP'S; Secured by Property: Deft's Manhattan Apartment; Travel Limited to SDNY/EDNY and District of Connecticut; Surrender Travel Documents (& No New Applications); Deft to be Released upon His Signature and Wife's Signature; Remaining Conditions to be Met by Dec 16, 2008 at 2:00 PM (3 More Co-Signers, Plus Posting Apartment (dif) (Entered: 12/12/2008)
12/11/2008	5	ADVICE OF PENALTIES AND SANCTIONS as to Bernard L. Madoff. (dif) (Entered: 12/12/2008)
12/16/2008	6	ORDER as to Bernard L. Madoff extending the control date for a hearing in any outstanding bail issues be adjourned from 12/16/08 to 12/17/08 at 2:00 PM: SO ORDERED: USMJ Gorenstein. (Signed by Magistrate Judge Gabriel W. Gorenstein on 12/16/08)(jm) Modified on 1/7/2009 (jm). (Entered: 12/16/2008)
12/17/2008	7	ORDER as to Bernard L. Madoff. Bail conditions are modified. Defendants wife shall surrender her passport by noon on Thursday, December 18, 2008, and and the confessions of judgment shall be filed by Monday, December 22, 2008. In light of this order and agreement of both the defendant and the government to the changes in the bail conditions, there is no need for a further hearing on bail today. Accordingly the hearing is cancelled. (Signed by Magistrate Judge Gabriel W. Gorenstein on 12/17/08)(vb) (Entered: 12/17/2008)
12/17/2008	8	AGREEMENT TO FORFEIT PROPERTY by Bernard L. Madoff. (aba) (Entered: 12/17/2008)
12/19/2008	9	ENDORSED LETTER as to Bernard L. Madoff addressed to Hon. Gabriel Gorenstein from Marc O. Litt dated 12/19/08 re: Requesting that the Court modify the bail conditions. GRANDED. SO ORDERED. (Signed by Magistrate Judge Theodore H. Katz on 12/19/08)(aba) (Entered: 12/22/2008)
12/22/2008	10	AFFIDAVIT of Bernard L. Madoff by Bernard L. Madoff. (aba) (Entered: 12/22/2008)
01/05/2009	--	Minute Entry for proceedings held before Magistrate Judge Ronald L. Ellis: Detention Hearing as to Bernard L. Madoff held on 1/5/2009. Defendant present with attorney Daniel Horowitz; AUSA Litt alsopresent. Hearing adjourned with parties to brief issues of detention and electronic monitoring. (jm) Modified on 1/7/2009 (jm). (Entered: 01/07/2009)
01/07/2009	11	Letter by USA as to Bernard L. Madoff addressed to Hon. Ronald L Ellis from AUSA Litt dated 1/6/09 re: Support of Motion to Detain Defendant. (jm) (Entered: 01/07/2009)
01/07/2009	12	LETTER BRIEF IN OPPOSITION by Bernard L. Madoff addressed to Honorable Ronald L. Ellis from Ira Lee Sorkin, Daniel J. Horwitz dated 1/7/09 (aba) (Entered: 01/07/2009)
01/08/2009	13	LETTER BRIEF IN REPLY by USA as to Bernard L. Madoff addressed to Honorable Ronald L. Ellis from Marc Litt, Lisa A. Baroni dated 1/8/09 (aba) (Entered: 01/08/2009)
01/08/2009	14	Letter by Bernard L. Madoff addressed to Honorable Ronald L. Ellis from Ira Lee Sorkin dated 1/8/09 re: Respectfully submit this revised brief, originally submitted yesterday, January 7, 2009. (aba) (Entered: 01/08/2009)
01/12/2009	15	OPINION AND ORDER # 96937 as to Bernard L. Madoff. III. CONCLUSION: The Government seeks an order detaining Defendant Madoff prior to trial based on risk of flight and danger to community. On this matter, the Government has the burden of proof--by a preponderance of the evidence with respect to the question of flight, and by clear and convincing evidence with respect to question of danger--that there are no conditions which can be set to address these concerns. The Court finds that the Government has failed to meet its burden as to either ground. Accordingly, its motion is DENIED. SO ORDERED this 12th day of January 2009. (Signed by Magistrate Judge Ronald L. Ellis on 1/12/09)(bw) Modified on 1/12/2009 (kkc). (Entered: 01/12/2009)
01/12/2009	16	ENDORSED LETTER as to Bernard L. Madoff addressed to Magistrate Judge Ronald L. Ellis from Marc Litt dated January 12, 2009 re: The Government respectfully submits this letter in response to the Court's opinion and order issued in the above-captioned matter earlier today. The Government intends to appeal the Court's order to the District Court. Accordingly, the Government respectfully requests that the Court stay its order pending the outcome of that (or any further appeal). Counsel for the defendant, Ira Lee Sorkin, Esq., has informed the Government that defendant consents, through counsel, to this request for a stay. ENDORSEMENT: Order stayed for 48 hours until 1:00 p.m. on 1-14-09. (Signed by Magistrate Judge Ronald L. Ellis on 1/12/2009)(rw) (Entered: 01/12/2009)
01/12/2009	17	AFFIRMATION of Marc Litt in Support by USA requesting a 30-day continuance from 1/12/09 to 2/11/09 as to Bernard L. Madoff (aba) (Entered: 01/13/2009)
01/12/2009	18	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Bernard L. Madoff. Time excluded from 1/12/09 until 2/11/09. (Signed by Magistrate Judge Michael H. Dolinger on 1/12/09)(aba) (Entered: 01/13/2009)
01/13/2009	19	APPEAL OF MAGISTRATE JUDGE DECISION (LETTER BRIEF) to District Court by USA as to Bernard L. Madoff. (aba) (Entered: 01/13/2009)
01/14/2009	20	DEFENDANT'S BRIEF (LETTER) in Appeal of Magistrate Judge Decision by Bernard L. Madoff re: 19 Appeal of Magistrate Judge Decision to District Court-Magistrate Judge Case filed by USA. (aba) (Entered: 01/14/2009)

01/14/2009	21	ENDORSED LETTER as to Bernard L. Madoff addressed to Honorable Lawrence M. McKenna from Marc Litt dated 1/13/09 re: The Government respectfully submits this letter brief to the Court, sitting in its Part I capacity, in support of its appeal of the Opinion of Order entered by United States Magistrate Judge Ronald L. Ellis on January 12, 2009 (the"Order"), which denied the Government's motion pursuant to Title 18, United States Code, Section 3142(f)(2), to detain the defendant pending trial. Application for detention denied and Judge Ellis'1/12/09 Opinion and order affirmed for reasons set forth on record on 1/14/09. (Signed by Judge Lawrence M. McKenna on 1/14/09)(aba) (Entered: 01/14/2009)
01/14/2009	--	Minute Entry for proceedings held before Judge Lawrence M. McKenna: Bond Hearing as to Bernard L. Madoff held on 1/14/2009. Court Reporter: Ann Hairston present. AUSA Marc Litt and AUSA Lisa Baroni present. U.S. Pretrial Services Officer, Regina Joyner, also present. Defendant present with Attorneys'Ira Lee Sorkin, Daniel J. Horwitz and Nicole De Bello. Bail appeal hearing held and concluded. The Court affirms the Opinion & Order of Magistrate Judge Ronald Ellis entered by the Court on 1/12/09. All previous conditions of bail established by the Court are continued and/or modified along with additional conditions established by the Court. See transcript. The Court instructs counsel to submit a proposed order to the Court no later than close of business, 1/16/09, which is to include any modifications/additional conditions of bail established on the record before the Court on 1/14/09. See transcript. See Order signed. (aba) (Entered: 01/21/2009)
01/16/2009	22	ORDER: As to Bernard L. Madoff. Defendant Bernard L. Madoff is released on bail under the following conditions: 1. A \$10 million personal recognizance bond signed by Mr. Madoff, his wife, and his brother, and secured by confessions of judgment on properties in New York, N.Y., Montauk, N.Y., and Palm Beach, FL.; 2. The surrender of Mr. and Mrs. Madoff's passports; 3. Other than for scheduled court appearances, Mr. Madoff is confined to home detention in his Manhattan apartment 24 hours a day, with an electronic monitoring; 4. Employment at his wife's expense of a security firm acceptable to the Government, to provide the following services to prevent harm and flight: a. round-the-clock monitoring at Mr. Madoff's building, 24 hours per day, including video monitoring of all of the Defendant's apartment door(s), and communication devices and services permitting it to send a direct signal from an observation post to the Federal Bureau of Investigation in the event of the appearance of harm or flight; b. the security firm will provide additional guards available on request if necessary to prevent harm or flight; 5. Incorporation of the restrictions set forth in the preliminary injunction entered on December 18, 2008, in the case SEC v. Madoff and Bernard L. Madoff Investment Securities LLC, 08 Civ. 10791, before District Judge Louis L. Stanton, including restrictions on transfer of all property whatsoever, wherever located, in the possession or under the control of Mr. Madoff; 6. Incorporation of the restrictions set forth in the voluntary restraint agreement signed by Mrs. Madoff on December 26, 2008; 7. Mr. Madoff must compile an inventory of all valuable portable items in his Manhattan home. The Government and Mr. Madoff are to agree on a threshold value for inventory items by January 21, 2009. In addition to providing this inventory to the Government, Casale Associates, or another security company approved by the Government, shall check the inventory every two weeks; 8. Mr. Madoff must compile an inventory of all valuable portable items in the aforementioned properties in Montauk, N.Y. and Palm Beach, FL., as well as property owned by Mrs. Madoff located in Antibes, France; and 9. Casale Associates, or another security company approved by the Government, shall search all outgoing physical mail in New York, N.Y to ensure that no property has been transferred. SO ORDERED: (Signed by Judge Lawrence M. McKenna on 1/16/2009) (D'Avanzo, Daniel) (Entered: 01/16/2009)
01/20/2009	23	ENDORSED LETTER as to Bernard L. Madoff addressed to Honorable Lawrence M. McKenna from Nicole De Bello dated 1/20/09 re: I await confirmation from the Court that Mr. Madoff may file the Affidavit with the Magistrate Clerk's Office in lieu of his in-person appearance to sign the bail bond. This is the same procedure that was followed in connection with Magistrate Judge Katz's Order on December 19, 2008. Assistant United States Attorney Marc Litt has consented to the filing of the Affidavit. THE COURT ACCEPTS THE ANNEXED 1/20/09 AFFIDAVIT OF DEFENDANT IN LIEU OF A PERSONAL APPEARANCE; THE CLERK IS DIRECTED TO ACCEPT FOR FILING THE ORIGINAL THEREOF. SO ORDERED. (Signed by Judge Lawrence M. McKenna on 1/20/09)(aba) (Entered: 01/21/2009)
01/20/2009	24	AFFIDAVIT of Bernard L. Madoff by Bernard L. Madoff. (aba) (Entered: 01/21/2009)
01/21/2009	25	PRB Bond Entered as to Bernard L. Madoff in amount of \$ 10 MILLION PRB. BAIL MODIFIED 1/16/09 BY U.S.D.J. McKENNA: SEE ORDER DATED 1/16/09 DOC # 22. (aba) (aba). (Entered: 01/21/2009)
01/29/2009	26	TRANSCRIPT of Proceedings as to Bernard L. Madoff held on 1/5/09 at 2:30 p.m. before Magistrate Judge Ronald L. Ellis. (aba) (Entered: 01/29/2009)
01/29/2009	27	TRANSCRIPT of Proceedings as to Bernard L. Madoff held on 1/14/09 at 2:35 p.m. before Judge Lawrence M. McKenna. (aba) (Entered: 01/29/2009)
01/29/2009	28	Letter by Bernard L. Madoff addressed to Honorable Lawrence M. McKenna from Ira Lee Sorkin dated 1/29/09 re: We represent Defendant Bernard L. Madoff in the above referenced matter. On behalf of Mr. Madoff we write to respectfully advise the Court that we have hired a new security firm, Stroz Friedberg Investigations ("Stroz"), to comply with items numbered 4, 7, 8 and 9 of the Court's January 16, 2009 Order (the"Order"). (aba) (aba). (Entered: 01/29/2009)