

U.S. Department of Justice



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 21, 2010

BY FIRST CLASS AND ELECTRONIC MAIL

Andrew James Frisch, Esq. (afrisch@andrewfrisch.com)
950 Third Avenue
New York, New York 10022

Re: *United States v. Daniel Bonventre*, No. S2 10 Cr. 228 (LTS)

Dear Mr. Frisch:

I write regarding the forfeiture of certain proceeds of your client, Daniel Bonventre. As you are aware, the Government has charged Mr. Bonventre in a superseding Indictment which contains a forfeiture allegation seeking a money judgement of at least \$154.5 billion. Among other things, our investigation has revealed that you and/or your attorney trust account have been a direct recipient of the following transfers from Mr. Bonventre that are traceable directly to the proceeds of the fraud perpetrated through Bernard L. Madoff Investment Securities, and which are forfeitable to the United States.

<u>Date</u>	<u>Amount</u>	<u>Source</u>
12/11/2009	\$180,000	Charles Schwab (by wire)
12/2009	\$570,000	Fidelity Investments (by wire)
7/23/2010	\$70,000	Fidelity Investments (by wire)

In addition, on or about July 12, 2010, Mr. Bonventre wrote a check in the amount of \$150,000 from one of his Bank of America accounts to Capstone Advisory Group ("Capstone"), which I assume is a consultant assisting you in the defense of Mr. Bonventre.¹

Based on the foregoing, the Government requests that you, in essence, "freeze" any funds

¹ In an abundance of caution, and on the above-stated assumption that Capstone is working at your direction, I am not contacting Capstone directly. All references to "you" should therefore be read to include both your firm and Capstone. If my assumption is wrong, or if you and Mr. Bonventre consent to my speaking with Capstone directly, please let me know as soon as possible; otherwise I will assume that you have accepted this letter on their behalf.

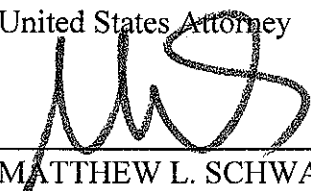
sent to you by Mr. Bonventre and/or his wife, including but not limited to the foregoing, and that you refrain from drawing down against any more of the funds as payment to your firm. Your failure to honor these requests will result in the Government exercising its remedies under the forfeiture laws, including, but not limited to, seeking recourse from the courts and holding you and your firm individually liable for any forfeitable assets received. The Government also requests that you provide us, within 14 days, with an accounting showing any funds you believe are earned but undrawn as of the date of your receipt of this letter.

If you would like to discuss this matter further, I can be reached at the number below.

Sincerely,

PREET BHARARA
United States Attorney

By:



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