



United States Attorney  
Southern District of New York

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*The Silvio J. Mollo Building  
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New York, New York 10007*

November 17, 2010

BY HAND

Honorable Richard J. Sullivan  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 615  
New York, New York 10007

Re: United States v. Frank DiPascali, Jr.,  
09 Cr. 764 (RJS)

Dear Judge Sullivan:

The Government respectfully submits this letter concerning the status of the defendant's cooperation pursuant to the Order of the Court dated May 17, 2010. Mr. DiPascali's cooperation remains active and is ongoing; accordingly, the Government respectfully requests that the Court set a new sentencing control date in six months.

Mr. DiPascali continues to cooperate with the Government in its ongoing investigation of the crimes committed at Bernard L. Madoff Investment Securities ("BLMIS"). In the case United States v. Bonventre, et al, S1 10 Cr. 228 (LTS), pending in front of the Honorable Laura Taylor Swain, three long time employees of Bernard L. Madoff Investment Securities – Daniel Bonventre, Jerome O'Hara and George Perez – have been charged. The Government expects that Mr. DiPascali will be called as a witness in the Government's case-in-chief should that case go to trial. The defendants are in the process of reviewing discovery and the Court has not yet set a motions schedule or a trial date.

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In June 2010, the Government filed two civil forfeiture actions against more than \$5 million in assets controlled by Joann Crupi and Annette Bongiorno.. The Government anticipates that, depending on the defenses asserted by Crupi and Bongiorno in those actions, Mr. DiPascale may be called as a Government witness in those actions. In addition, the Government intends to seek to bring a civil forfeiture action against assets controlled by Bonventre.

Further, in May and June 2010, Mr. DiPascale's former residence in Bridgewater, New Jersey, was sold at auction. The proceeds -- approximately \$1.5 million -- are being held by the United States Marshal's Service.

For the reasons set forth above, the Government and Mr. DiPascale's counsel respectfully request that the Court set a new sentencing control date in six months.

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<sup>1</sup> Mr. DiPascale also has cooperated with respect to the forfeiture of approximately \$6 million of assets through stipulations that were submitted to the Court on April 21 and April 22, 2010.

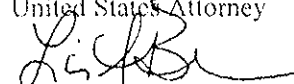
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Given that disclosure of this letter would harm the Government's ongoing criminal grand jury investigation by revealing to subjects of that investigation their conduct under investigation, and given that disclosure also would unfairly prejudice subjects of the investigation who have not been indicted, the Government respectfully encloses a proposed redacted version of this letter for filing.

Respectfully submitted,

PREET BHARARA  
United States Attorney

By:



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