

U.S. Department of Justice

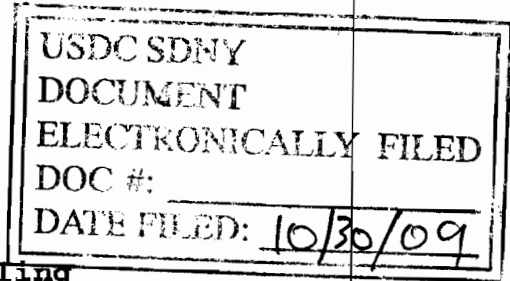
United States Attorney
Southern District of New York

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

October 29, 2009

BY HAND

Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: United States v. David G. Friehling
09 Cr. 700 (AKH)

Dear Judge Hellerstein:

The Government anticipates that, at the pre-trial conference scheduled for November 3, 2009, the Government will file a Superseding Information (the "Information") in the above-referenced case. The parties anticipate that, at the conference, David G. Friehling, the defendant, will plead guilty to the Information pursuant to a cooperation agreement with the Government. A chart of the charges in the Information and the maximum penalties is attached.

In order to provide notice to victims of the anticipated guilty plea proceeding, the Government respectfully requests that the Court direct the U.S. Attorney's Office to post this letter on its Internet website at <http://www.usdoj.gov/usao/nys> on a separate Web page for United States v. Bernard L. Madoff and Related Cases.

*So received
10-30-09
[Signature]*

Respectfully submitted,

PREET BHARARA
United States Attorney

By: [Signature]
Lisa A. Baroni
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cc: Andrew Lankler, Esq.

United States v. David G. Friehling, 09 Cr. 700 (AKH)

| <u>Count</u> | <u>Charge</u> | <u>Maximum Penalties</u> |
|--|---|--|
| ONE | Securities Fraud | 20 yrs. imprisonment; 3 yrs. sup. release; fine of the greatest of \$5,000,000 or twice the gross gain or loss; mandatory \$100 special assessment; restitution. |
| TWO | Investment Adviser Fraud | 5 yrs. imprisonment; 3 yrs. sup. release; fine of the greatest of \$10,000 or twice the gross gain or loss; mandatory \$100 special assessment; restitution. |
| THREE FOUR FIVE & SIX | Making False Filings with the Securities and Exchange Commission | 20 yrs. imprisonment; 3 yrs. sup. release; fine of the greatest of \$5,000,000 or twice the gross gain or loss; mandatory \$100 special assessment; restitution. |
| SEVEN | Obstructing or Impeding the Administration of the Internal Revenue Laws | 3 yrs. imprisonment; 1 yr. sup. release; fine of the greatest of \$250,000 or twice the gross gain or loss; mandatory \$100 special assessment; restitution; costs of prosecution. |