

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOCUMENT
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DATE FILED: 2/26/10

UNITED STATES OF AMERICA

-v-

FRANK DIPASCALI, JR.,

Defendant.

No. 09 Cr. 764 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Clerk of the Court is instructed to docket the attached letters from Robert Jacobson, Kenneth H. Gutner, Lisa Gutner, Melvin W. Knyper, Joseph Sloves, Steve Goldberg, Laurel and Jodi Kohl, Ann M. Altman, and Ellenjoy Fields. To ensure more efficient filing and distribution of victim statements in this matter, IT IS HEREBY ORDERED that, going forward, victims wishing to submit statements or information shall communicate with Wendy Olsen, the Victim/Witness Coordinator for the United States Attorney's Office. Victims may submit statements or information to Ms. Olsen by letter addressed to her at the United States Attorney's Office, One St. Andrew's Plaza, New York, New York, 10007; by email addressed to wendy.olsen@usdoj.gov; or by calling Ms. Olsen at 866-874-8900 or 212-637-1028. The government shall file all submissions with the Court, pursuant to the Crime Victims Rights Act (18 U.S.C.A. § 3771) and local rules. In addition, the Court shall provide notice to victims, through the Victim/Witness Coordinator and through an order filed on the Court's Electronic Case Filing system, as to when sentencing submissions are due.

SO ORDERED.

Dated: February 26, 2010
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

Frank DiPasquale sentencing,

Subject: Frank DiPasquale sentencing,

From: [REDACTED]

Date: Tue, 23 Feb 2010 19:07:47 -0700

To: [REDACTED]

Judge Sullivan,

In regard to the upcoming sentencing of mr Frank DiPasquale,i strongly urge you to inflict upon him the strongest sentence allowable under the law.This is not vengeance but merely a hope that it may serve notice to other conspirators in financial scams that their misdeeds will not be treated lightly despite any asistance they may render to authorities.

As another victim of the Madoff scheme,my life too has been turned upside down and i strongly urge you to remember the hardships that have been brought upon so many including myself,and that no level of cooperation can or should be allowed to mitigate the scheme that Mr DiPasquale was a major part of for so long.

Robert Jacobson
[REDACTED]

Frank DiPasquale sentencing

Subject: Frank DiPasquale sentencing

From: [REDACTED]

Date: Tue, 23 Feb 2010 18:14:27 -0800 (PST)

To: [REDACTED]

Your Honor,

Frank DiPasquale engaged in horrendously malevolent behavior that deprived thousands of victims of their hard earned monies. Where did these monies go? Is it sitting off-shore where people like Frank Dipasquala, who were close associates or family of Madoff, can eventually get their hands on it? There is simply no way that tens of billions of dollars were spent or redeemed to earlier investors. Without such disclosure, DiPasquale deserves to be put away from society and forced to sit in prison to contemplate his evil ways for a very long time.

Therefore, Frank Dipasquale should be able to redeem himself in one way and one way only: if he gave pertinent information as to the whereabouts of the ill-gotten monies which could lead the Trustee of Madoff's Bankruptcy to recover and distribute it to the victims. Please do not reward DiPasquale for any "cooperation" that is less than full disclosure as whatever cooperation he gave did nothing to relieve the suffering he inflicted on so many others.

Thank you for taking your time to consider my position.

Sincerely yours,

Kenneth H. Gutner

Trustee of the Kenneth H. Gutner Revocable Trust and
General Partner of Second Gutner, victims of Bernard Madoff

Frank DiPasquale sentencing

Subject: Frank DiPasquale sentencing

From: [REDACTED]

Date: Tue, 23 Feb 2010 19:06:12 -0700

To: [REDACTED]

Your Honor,

Frank DiPasquale engaged in horrendously malevolent behavior that deprived thousands of victims of their hard earned monies. Where did these monies go? Is it sitting off-shore where people like Frank Dipasquala, who were close associates or family of Madoff, can eventually get their hands on it?

There is simply no way that tens of billions of dollars were spent or redeemed to earlier investors. Without such disclosure, Frank deserves to be put away from society and forced to sit in prison to contemplate his evil ways for a very long time.

Therefore, Frank Dipasquale should be able to redeem himself in one way and one way only: if he gave pertinent information as to the whereabouts of the ill-gotten monies which could lead the Trustee of Madoff's Bankruptcy to recover it and to distribute to the victims. Please do not reward DiPasquale for any "cooperation" that is less than full disclosure as whatever cooperation he gave did nothing to relieve the suffering he inflicted on so many others.

Thank you for taking your time to consider my position.

Sincerely yours,

Lisa Gutner

Partner of Second Gutner, victim of Bernard Madoff

Subject: U.S. v DiPascali no.09-00764 U.S.District Court.Southern District of New York

From: [REDACTED]

Date: Tue, 23 Feb 2010 16:18:47 -0700

To: [REDACTED]

To: Judge Richard J. Sullivan

Honorable Sir;

I am a retired attorney who has been victimized by Bernard Madoff and Frank DiPasquale. These are the only members of the Ponzi scheme that I came in contact with since 1992 when I was first introduced to the investment program. In point of fact, I never met Madoff and my first experience from the beginning was with DiPasquale. I have been to his office every year for his explanations and investment advice. His convincing knowledge of the investment program convinced me to avoid all my other investments and invest my pension plan, personnel accounts with his company due to their conservative returns with little risk. I am almost 76 years old and my wife and I are living on a bank loan which will be paid when we sell our home. My friends of 25 years who invested with Madoff are in the same disastrous position. We have been defrauded in the most egregious financial scam in history. The reason I write this document is my shock upon reading that The United States Attorney has written to the court to request "extraordinary" leniency for DiPasquale's cooperation. I am requesting extraordinary punishment for his criminal activity for over 25 years of lying, cheating and destroying the quality of the lives of five thousand victims.

There is no financial recourse available to most of the victims. We have not been called by the U.S. Attorney to advise him of the horrors of our plight. Should this awful man be permitted a life without remorse while my family suffers from his crimes?

We ask that you, Judge Sullivan, give justice for the victims and not reward DiPasquale for his crimes. The least he could do at this late stage is to cooperate and tell the truth without any expectation of benefit.

Respectfully,

Melvin W. Knyper

Subject: Sentencing of DiPasquale

From: [REDACTED]

Date: Wed, 24 Feb 2010 18:13:51 +0000 (UTC)

To: [REDACTED]

To give any leniency to this villain would be an **incredible injustice to all the thousands of lives he knowing assisted in ruining, mine included.** He assisted in stealing from so many people, talking them into investing their money, knowing that it was, in too many cases their life savings, so that he and Mr. Madoff (and who knows who else) could live the big life, knowing that at some point it would have to collapse and ruin these investors life's, and in at least two cases lead the victims to suicide. So he was directly involved in the deaths of at least two people. Why does he deserve lenience? He deserves the maximum sentence in the least forgiving jail, as he has sentenced me any many others to a life of a greatly reduced quality for his own greediness. Not only has ruined thousands of life's directly, but thousands of lifes that were assisted by the charities that he decimating.

I also can not believe that it is taking a year to extract the required information from him.

Joseph S_loves

Subject: U.S. v DiPascali no.09-00764 U.S.District Court. Southern District of New York

From: [REDACTED]

Date: Wed, 24 Feb 2010 09:04:06 -0700

To: [REDACTED]

To: Judge Richard J. Sullivan

Honorable Judge Sullivan;

I am a retired CPA now living in Colorado. Although I spoke to Bernard Madoff a few times over the years, my main dealings were usually with Frank DiPascali whom I spoke with 3 or 4 times a year for 12 years. DiPascali was the guy running the show. He always knew exactly what was going on (although it looks like he was making it up each month) and reported results and answered questions himself.

He only deferred to Bernard Madoff when a new investor had to be approved. Everything else was handled by Frank, or others working for or with him in this terrible crime.

The only justification for lenient sentencing I can envision is if he has provided information and testimony that clearly implicates others in the Madoff family (brother, sons, wife etc.) in which case, a modest reduction of sentence along with complete disgorgement of all his ill gotten gains would be in order. He should be serving as long as Madoff, less 10 or so years but no less than 20 years in prison. He has wrecked my families financial situation as he has to hundreds or thousands of other innocent BLMIS investors. He needs to be punished severely.

Steve Goldenberg..... [REDACTED]

FW: Frank DiPasquale sentencing

Subject: FW: Frank DiPasquale sentencing

From: [REDACTED]

Date: Wed, 24 Feb 2010 10:11:49 -0500

To: [REDACTED]

MESSAGE FROM LAUREL & JODI KOHL

"Do whatever you want to do with him (Frank DiPasquale). Show no leniency. He (Frank DiPasquale) is a thief!"

Best regards,
Heather Johnson

[REDACTED]

Subject: Sentencing of Frank DiPascali

From: [REDACTED]

Date: Thu, 25 Feb 2010 18:27:22 -0500

To: [REDACTED]

Dear Judge Sullivan,

It is said that justice should not only be done but should also be seen to be done. The many thousands of direct and indirect victims of Madoff's appalling fraud hope to see justice done when you sentence Frank DiPascali for his role in facilitating and prolonging Madoff's heinous crime.

As a victim of the fraud, with other victims in my immediate family, I want to see Mr. DiPascali punished for his crimes. In order to save his own skin, he has been cooperating with investigators - why wouldn't he? He has nothing to lose. By contrast, many of Madoff's direct and indirect victims have lost everything or, if not everything, they have lost, at the very least, the level of security that they had been counting on. Let us not forget, too, how the fraud has destroyed many charitable organizations, cutting loose those who depended on such organizations for a safety net or for the funds to make the world a better place.

Mr. DiPascali, if he had been a virtuous and honorable man, would never have participated in Madoff's fraud or, at least, when he realized its scope, he would have left Madoff's employ and sought honest employment. Cooperation with prosecutors does not convert this ignoble criminal, whose actions have harmed members of my family in my generation, the next and the one after that, into a man who deserves your mercy or compassion.

Mr. DiPascali's actions, while he worked for Madoff, were calculated and vicious; his collaboration is calculated too and it deserves nothing more than the approval of his religious advisor, if he has one. Perhaps, he will suffer less in the hereafter than he might otherwise, but that is for a higher power to decide. We are counting on you to show us justice, here on earth, and to send Mr. DiPascali, for the rest of his natural life, to a prison cell in which he can daily contemplate the harm that he has done to innocent victims, who will spend the rest of their lives in "prisons" of financial insecurity or destitution as a result of his unpardonable and unforgivable crimes.

Yours respectfully,
Ann M. Altman Ph.D.

[REDACTED]

Subject: re: Frank DiPasquale

From: [REDACTED]

Date: Fri, 26 Feb 2010 07:53:05 -0800 (PST)

To: [REDACTED]

CC: [REDACTED]

Please note on the record that I ,during the 90's and up until 2008,spoke to Mr. DiPasquale on many occasions regarding my account with Madoff.. In my estimation, he is at fault and deserves to be punished. I am left with nothing. Very devastating. He needs to pay his dues for the horrible things he has done to so many innocent people.

Sincerely,
Ellenjoy Fields