

**CERTIFICATE OF SERVICE**

I, Jennifer L. Young, certify that I am, and at all times during the service  
(name)  
of process was, not less than 18 years of age and not a party to the matter concerning which service of process was  
made. I further certify that the service of this summons and a copy of the involuntary petition was made  
April 13, 2009 by:  
(date)

Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:  
Bernard L. Madoff (Inmate # 61727-054)  
Metropolitan Correctional Center - New York  
150 Park Row  
NEW YORK, NY 10007

Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

Residence Service: By leaving the process with the following adult at:

Publication: The defendant was served as follows: [Describe briefly]

State Law: The defendant was served pursuant to the laws of the State of \_\_\_\_\_,  
as follows: [Describe briefly] (name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

April 13, 2009

Date

  
Signature

<i>Print Name</i> Jennifer L. Young		
<i>Business Address</i> Milberg LLP, One Pennsylvania Plaza		
<i>City</i> New York, NY	<i>State</i> NY	<i>Zip</i> 10119

# United States Bankruptcy Court

SOUTHERN District of NEW YORK

In re

Bankruptcy Case No. 09-11893 (BRL)

Bernard L. Madoff,

**Debtor.**

Social Security No.: Unknown

Employer Tax I.D. No.:

## SUMMONS TO DEBTOR IN INVOLUNTARY CASE

**To the above named Debtor:**

A petition under title 11, United States Code was filed against you on April 13, 2009 in this Bankruptcy Court, requesting an order for relief under Chapter 7 of the Bankruptcy Code (title 11 of the United States Code.)

YOU ARE SUMMONED and required to submit to the Clerk of the Bankruptcy Court, a motion or answer (attorneys should file online) to the petition within 20 days after the service of this summons. A copy of the petition is attached.

Address of the Clerk: United States Bankruptcy Court  
One Bowling Green  
New York, New York 10004  
www.nysb.uscourts.gov

At the same time, you must also serve a copy of the motion or answer upon the petitioner's attorney.

Name and Address of Petitioner's Attorney Milberg LLP, One Pennsylvania Plaza, 48th Floor New York, NY 10119 Attn: Jonathan M. Landers
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If you make a motion, your time to answer is governed by Federal Rule of Bankruptcy Procedure 1011 (c). If you fail to respond to this Summons, an order for relief will be entered. Information on electronic case filing procedures is attached.

/s/ Vito Genna

\_\_\_\_\_  
Clerk of the Bankruptcy Court

4/13/2009

\_\_\_\_\_  
Date

By: /s/ Venice Leggett

\_\_\_\_\_  
Deputy Clerk

\*Set forth all names, including trade names, used by the debtor within the last 6 years. (Federal Rule of Bankruptcy Procedure 1005). For joint debtors, set forth both social security numbers.

<b>UNITED STATES BANKRUPTCY COURT</b>		<b>INVOLUNTARY PETITION</b>
Southern District of New York		
IN RE (Name of Debtor - If Individual: Last, First, Middle) <b>Madoff, Bernard L.</b>		ALL OTHER NAMES used by debtor in the last 8 years (Include married, maiden, and trade names.)
Last four digits of Social Security or other Individual's Tax-I.D. No./Complete EIN (If more than one, state all): <b>Unknown</b>		
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)  <b>133 East 64th Street, Apt. 12A, NY, NY 10065 -and- Metropolitan Correctional Ctr., 150 Park Row, NY, NY 10007</b>		MAILING ADDRESS OF DEBTOR (If different from street address)
COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS <b>New York</b>		ZIP CODE
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses)		
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED  <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11		
<b>INFORMATION REGARDING DEBTOR (Check applicable boxes)</b>		
Nature of Debts (Check one box.)  Petitioners believe:  <input type="checkbox"/> Debts are primarily consumer debts <input checked="" type="checkbox"/> Debts are primarily business debts	Type of Debtor (Form of Organization) <input checked="" type="checkbox"/> Individual (Includes Joint Debtor) <input type="checkbox"/> Corporation (Includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B) <input type="checkbox"/> Railroad <input checked="" type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other
VENUE  <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.  <input checked="" type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.	FILING FEE (Check one box)  <input checked="" type="checkbox"/> Full Filing Fee attached  <input type="checkbox"/> Petitioner is a child support creditor or its representative, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. <i>[If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.]</i>	
<b>PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets.)</b>		
Name of Debtor <b>Bernard L. Madoff Inv. Sec. LLC</b>	Case Number <b>08-1789</b>	Date <b>12/11/2008</b>
Relationship <b>Business Owned By Madoff</b>	District <b>Bankr. S.D.N.Y.</b>	Judge <b>Burton R. Lifland</b>
ALLEGATIONS (Check applicable boxes)  1. <input checked="" type="checkbox"/> Petitioner (s) are eligible to file this petition pursuant to 11 U.S.C. § 303 (b). 2. <input checked="" type="checkbox"/> The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code. 3.a. <input checked="" type="checkbox"/> The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount; or b. <input type="checkbox"/> Within 120 days preceding the filing of this petition, a custodian, other than a trustee receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.		COURT USE ONLY

Name of Debtor Madoff, Bernard L.

Case No. \_\_\_\_\_

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		63,981,910.00																									
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\_\_\_\_\_ continuation sheets attached

## EXHIBIT A

1. The Petitioners submit this Involuntary Petition pursuant to 11 U.S.C. Section 303(b).

2. The Petitioners' claims set forth in the Petition are based on the balances contained in their last statements received from Bernard L. Madoff Investment Securities LLC. However, even if the Petitioners' claims were determined based on a net equity calculation of principal less withdrawals, purported interest, and dividends, each of the Petitioners hold claims well in excess of the statutory amount set forth in 11 U.S.C. Section 303(b)(1).

3. On March 12, 2009, Madoff pled guilty to all of the counts with which he was charged, and he filed with the court a plea allocution describing some of the details of his fraud. *See* Plea Allocution of Bernard L. Madoff ("Madoff Plea Allocution"), No. 09-213 (S.D.N.Y) [Dkt. No. 50]. As Madoff has admitted to taking his customers' money and using it for his own purposes, the Petitioners' claims are neither disputed nor contingent.

4. The Petitioners base their claims on several different theories, including breach of contract, conversion, and fraud.