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ATTORNEY WORK PRODUCT

Matter No. OIG-509

Telephone Interview with Silvestre Fontes, former Branch Chief, Division of Enforcement, Boston District Office/current Senior Trial Counsel, Boston Regional Office

David Fielder and David Witherspoon:

Friday, April 10, 2009

On Friday, April 10, 2009, Fielder and Witherspoon followed up with Fontes on a related Madoff issue. The OIG staff had received additional e-mails showing that: (1) Fontes had forwarded Madoff-related documents (presumably Harry's March 2001 submission to BDO) to M. Schonfeld in NERO on April 3, 2001 and (2) on May 7, 2001, Fontes notified Schoenfeld that a Barron's article was published that day regarding Madoff and his trading "strategy." Fontes also referred to discussing the matter over the phone with Schonfeld and Fontes' then-supervisor David Marder on April 2, 2001. Fontes had a general recollection of referring a matter to Schonfeld around that time, but did not recall specifically whether it involved Madoff.

Fontes also recalled that Manion had been unhappy about the way things were being handled with respect to a particular matter, and also recalled that Manion had mentioned a friend of his in the industry that had been pursuing the matter. Fontes did not recall, however, whether the matter was Madoff or whether Manion's friend was Harry. Finally, Fontes recalled having the impression that his April 2001 referral did not come as a surprise to NERO; that NERO had heard of the matter before, but he did not know how it came to their attention. Again, Fontes did not recall whether his April 2001 referral involved Madoff.