

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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REPEX VENTURES S.A., Individually and on :  
Behalf of All Others Similarly Situated, :

Plaintiff, :

-against- :

BERNARD L. MADOFF; BERNARD L. :  
MADOFF INVESTMENT SECURITIES; :  
BANK MEDICI S.A.; SONJA KOHN; PETER :  
SCHEITHAUER; HERALD USA FUND; :  
HERALD LUXEMBURG FUND; BANK :  
AUSTRIA CREDITANSTALT; UNICREDIT :  
S.A.; PRIMEO SELECT FUNDS; PIONEER :  
ALTERNATIVE INVESTMENTS; THEMA :  
INTERNATIONAL FUND PLC; ERNST & :  
YOUNG LLP, and HSBC HOLDINGS PLC, :

Case No. 1:09-cv-0289-RMB

Defendants. :

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HORST LEONHARDT, on Behalf of Himself :  
and All Others Similarly Situated, :

Plaintiff, :

-against- :

BERNARD L. MADOFF, BANK MEDICI :  
S.A., SONJA KOHN, PETER :  
SCHEITHAUER, HERALD USA FUND, :  
HERALD LUXEMBURG FUNDS, BANK :  
AUSTRIA CREDITANSTALT, UNICREDIT :  
S.A., PRIMEO SELECT FUND, PRIMEO :  
EXECUTIVE FUND, PIONEER :  
ALTERNATIVE INVESTMENTS, THEMA :  
INTERNATIONAL FUND PLC, HELMUTHY :  
E. FREY, FRIEDRICH PFEFFER, FRANCO :  
MUGNAI, ALBERTO BENBASSAT, :  
STEPHANE BENBASSAT, GENEVALOR, :  
BENBASSAT & CIE, DAVID T. SMITH, :  
GERALD J.P. BRADY, DANIEL :  
MORRISSEY, ERNST & YOUNG S.A., :  
ERNST & YOUNG FLOBAL LIMITED, :

Case No. 1:09-cv-2032

HSBC HOLDINGS PLC, HSBC  
INSTITUTIONAL TRUST SERVICES :  
(IRELAND) LIMITED, HSBC SECURITIES  
SERVICES (IRELAND) LIMITED, HSBC :  
SECURITIES SERVICES, S.A.,  
PRICEWATERHOUSECOOPERS, :  
CHARTERED ACCOUNTANTS,  
PRICEWATERHOUSECOOPERS :  
INTERNATIONAL LIMITED and  
FRIEHLING & HOROWITZ, :

Defendant.

**NOTICE OF MOTION AND MOTION OF DR. SHMUEL CABILLY FOR  
CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF  
SELECTION OF LEAD COUNSEL**

PLEASE TAKE NOTICE that putative class member Dr. Shmuel Cabilly (“Movant”), by his undersigned attorneys, will and hereby does move this Court before the Honorable Richard M. Berman, at the Courthouse located at 500 Pearl Street, Courtroom 21D, New York, New York 10007, at a time and date to be set by the Court, pursuant to Section 21D(a)(3)(B) of the Securities and Exchange Act of 1934 (the “Exchange Act”), as amended by the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(B), for entry of an order:

- (1) consolidating the above-captioned related actions;
- (2) appointing Dr. Cabilly as Lead Plaintiff in this action on behalf of those who purchased investments in funds that were controlled or managed by Bank Medici (“Medici”) and in turn provided those funds to Bernard L. Madoff and Bernard L. Madoff Investment Securities between January 12, 2004 and January 12, 2009, inclusive; and
- (2) approving Movant’s selection of the law firm Cohen Milstein Sellers & Toll PLLC as Lead Counsel.

In support of this Motion, Movant relies upon this Notice of Motion, the accompanying Memorandum of Points and Authorities, the Declaration of Catherine A. Torell, and the proposed order granting the relief requested herein.

Dated: New York, N.Y.  
March 13, 2009

Respectfully submitted,

**Cohen Milstein Sellers & Toll PLLC**

By:                     /s/ Catherine A. Torell                      
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***Proposed Lead Counsel for Movant***

**Of Counsel:**

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