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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BEATRICE BAER, STANLEY BAER,
JESSE L. COHEN, ALAN ROTH,
ELAINE RUTH SCHAFFER and
LENORE H. SCHUPAK,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Hon. Stanley R. Chesler

Case No.: 11-2277 (SRC)(MAS)

**DECLARATION OF HELEN DAVIS CHAITMAN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

I, Helen Davis Chaitman, hereby declare, under penalty of perjury pursuant to 28 U.S.C. §1746, as follows:

I am a partner with Becker & Poliakoff LLP, counsel to Plaintiffs Beatrice Baer, Stanley Baer, Jesse L. Cohen, Alan Roth, Elaine Ruth Schaffer, and Lenore H. Schupak. I am a member of the bars of New York and New Jersey, and of this Court. I submit this declaration in support of the Plaintiffs' Opposition to Defendant's Motion to Dismiss.

1. A true and correct copy of the article by John Margolin, "SEC Officials Who Missed Madoff Now In Top Spots At Major Law Firms," *New York Post*, February 7, 2011, is attached hereto as **Exhibit A**.

2. A true and correct copy of ABC News, "Report: SEC Gave 'Preferential Treatment' to Wall Street CEO," dated October 6, 2008, is attached hereto as **Exhibit B**.

3. A true and correct copy of U.S. Securities and Exchange Commission, OIG Report No. 467, Office of Audits, "Program Improvements Needed Within the SEC's Division of Enforcement," dated September 29, 2009, is attached hereto as **Exhibit C**.

4. A true and correct copy of the article by Randall Smith, "SEC Breaks up Investment Company that Paid Off but Didn't Register," *The Wall Street Journal*, December 1, 1992, is attached hereto as **Exhibit D**.

5. A true and correct copy of the article by Randall Smith, “Wall Street Mystery Features a Big Board Rival,” *The Wall Street Journal*, December 16, 1992, is attached hereto as **Exhibit E**.

6. A true and correct copy of the January 31, 2011 letter of the SEC Chairwoman Mary Shapiro to the Honorable Darrell E. Issa, Chairman of Committee on Oversight and Government Report, with exhibit, is attached hereto as **Exhibit F**.

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

Dated: August 15, 2011

/s/ Helen Davis Chaitman