

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

INTESA SANPAOLO SPA (AS SUCCESSOR
IN INTEREST TO BANCA INTESA SPA),
EURIZON CAPITAL SGR SPA (AS
SUCCESSOR IN INTEREST TO EURIZON
INVESTIMENTI SGR SPA, F/K/A NEXTRA
INVESTMENT MANAGEMENT SGR SPA,
AND EURIZON ALTERNATIVE
INVESTMENTS SGR SPA, FKA NEXTRA
ALTERNATIVE INVESTMENTS SGR SPA),
EURIZON LOW VOLATILITY F/K/A
NEXTRA LOW VOLATILITY, EURIZON
LOW VOLATILITY II F/K/A NEXTRA
LOW VOLATILITY II, EURIZON LOW
VOLATILITY PB F/K/A NEXTRA LOW
VOLATILITY PB, EURIZON MEDIUM
VOLATILITY F/K/A NEXTRA MEDIUM
VOLATILITY, EURIZON MEDIUM
VOLATILITY II F/K/A NEXTRA MEDIUM

Adv. Pro. No. 12-01680 (CGM)

VOLATILITY II, EURIZON TOTAL
RETURN F/K/A NEXTRA TOTAL
RETURN,

Defendants.

Re: ECF Nos. 95, 96, 97, 98, 99, 101

STIPULATION AND ORDER TO WAIVE ARGUMENT

Plaintiff Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities and the estate of Bernard L. Madoff, and defendants,¹ Eurizon Capital SGR SpA, f/k/a Nextra Alternative Investments SGR SpA, Eurizon Low Volatility, f/k/a Nextra Low Volatility, and Eurizon Medium Volatility, f/k/a Nextra Medium Volatility (collectively, the “Defendants,” and together with the Trustee, the “Parties” and each a “Party”), by and through their respective, undersigned counsel, stipulate as follows:

WHEREAS, on April 15, 2022, the Defendants filed a motion to dismiss the Trustee’s complaint (the “Motion”), ECF No. 95, with a memorandum of law and supporting declaration, ECF Nos. 96-97;

WHEREAS, on June 14, 2022, the Trustee filed an opposition to the Motion, ECF No. 99;

WHEREAS, on July 14, 2022, the Defendants filed a reply in further support of their Motion, ECF No. 101;

WHEREAS, pursuant to a notice of hearing, ECF No. 98, the Court scheduled a hearing to consider the Motion to be held on September 14, 2022, at 10:00 A.M.; and

WHEREAS, the Parties have met and conferred and have agreed to rest on their papers and waive oral argument on the Motion.

¹ On March 29, 2022, the Trustee dismissed Intesa Sanpaolo SpA, Eurizon Low Volatility II, f/k/a Nextra Low Volatility II, Eurizon Low Volatility PB, f/k/a Nextra Low Volatility PB, Eurizon Medium Volatility II, f/k/a Nextra Medium Volatility II, and Eurizon Total Return, f/k/a Nextra Total Return from the above-captioned matter. *See Stipulation and Order to Dismiss Certain Transfers Alleged in the Complaint and Set a Briefing Schedule* (ECF No. 93).

IT IS HEREBY STIPULATED AND AGREED, by the Parties, and **SO ORDERED**,
by the Court:

1. The Court will not hear oral argument on the Motion, and the hearing scheduled for September 14, 2022, at 10:00 A.M., to consider the Motion is cancelled and will be removed from the Court's calendar.

2. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

Dated: August 23, 2022
New York, New York

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SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
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SGR SpA (as successor in interest to
Eurizon Investimenti SGR SpA, f/k/a
Nextra Investment Management Sgr SpA,
and Eurizon Alternative Investments SGR
SpA, f/k/a Nextra Alternative Investments
SGR SpA), Eurizon Low Volatility f/k/a
Nextra Low Volatility, and Eurizon
Medium Volatility f/k/a Nextra Medium
Volatility*

/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**

**Dated: August 25, 2022
Poughkeepsie, New York**

