

**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

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

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

Defendants.

ORDER DENYING DEFENDANTS' MOTION TO DISMISS

Defendants 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 (“Defendants”) filed a motion to dismiss the Complaint under Federal Rules of Civil Procedure 8(a), 10(c), and 12(b)(6), made applicable to these proceedings by Federal Bankruptcy Rules of Procedure 7008, 7010, and 7012 [Docket No. 95] (the “Motion”) dated April 15, 2022. The parties stipulated to rest on their papers and waive oral argument on the Motion on August 23, 2022 [Docket No. 102]. The Court has considered the Motion, the papers submitted in support of and in opposition to the Motion, and the Complaint. The Court issued a memorandum decision and amended memorandum decision, both filed September 22, 2022, regarding the Motion (the “Decision”). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Complaint is **DENIED**.
2. The deadline for Defendants to file an answer to the Complaint is November 21, 2022.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: October 7, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

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