

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

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.
In re: BERNARD L. MADOFF, Debtor.
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff, Plaintiff, v. CREDIT SUISSE AG; CREDIT SUISSE AG, NASSAU BRANCH; CREDIT SUISSE (LUXEMBOURG) SA; CREDIT SUISSE INTERNATIONAL; CREDIT SUISSE NOMINEES (GUERNSEY) LIMITED; CREDIT SUISSE LONDON NOMINEES LIMITED; and CREDIT SUISSE (UK) LIMITED; Defendants.

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

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 11-02925 (CGM)

STIPULATION AND ORDER TO WAIVE ARGUMENT

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and defendants Credit Suisse AG;

Credit Suisse AG, Nassau Branch; Credit Suisse (Luxembourg) SA; Credit Suisse International; Credit Suisse Nominees (Guernsey) Limited; Credit Suisse London Nominees Limited; and Credit Suisse (UK) Limited (“Defendants,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate and agree as follows:

WHEREAS, on June 15, 2022, Defendants filed a motion to dismiss the Trustee’s complaint (the “Motion”) [ECF No. 105], with a supporting memorandum of law [ECF No. 106] and supporting declaration of Kayla N. Haran [ECF No. 107]; on August 15, 2022, the Trustee filed an Opposition to Defendants’ Motion [ECF No. 111] (the “Opposition”); and on September 20, 2022, Defendants filed a reply in further support of their Motion [ECF No. 114] (the “Reply,” and together with the Motion and Opposition, the “Briefing”);

WHEREAS, on September 26, 2022, the Court entered a stipulation and order adjourning the hearing on the Motion from October 19, 2022 to November 16, 2022, at 10:00am (prevailing Eastern time) [ECF No. 115]; and

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

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 thus the hearing scheduled for 10:00 am on November 16, 2022 to consider the Motion is hereby cancelled and removed from the Court’s calendar.
2. The Parties request that the Court issue its ruling based on the Briefing.

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

Dated: November 9, 2022
New York, New York

**WINDELS MARX LANE &
MITTENDORF, LLP**

By: /s/ Kim M. Longo
Robert J. Luddy
Kim M. Longo
Alex Jonatowski
156 West 56th Street
New York, New York 10019
Telephone: (212) 237-1000
rluddy@windelsmarx.com
klongo@windelsmarx.com
ajonatowski@windelsmarx.com

*Special Counsel to Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*

O'MELVENY & MYERS LLP

By: /s/ Daniel S. Shamah
William J. Sushon
Daniel S. Shamah
Kayla Haran
7 Times Square
New York, New York 10036
Telephone: (212) 326-2000
wsushon@omm.com
dshamah@omm.com
kharan@omm.com

*Attorneys for Defendants Credit Suisse AG;
Credit Suisse AG, Nassau Branch; Credit
Suisse (Luxembourg) SA; Credit Suisse
International; Credit Suisse Nominees
(Guernsey) Limited; Credit Suisse London
Nominees Limited; and Credit Suisse (UK)
Limited*

SO ORDERED:

**Dated: November 14, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

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