

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

<p>SECURITIES INVESTOR PROTECTION CORPORATION,</p> <p style="text-align: right;">Plaintiff-Applicant,</p> <p style="text-align: center;">v.</p> <p>BERNARD L. MADOFF INVESTMENT SECURITIES LLC,</p> <p style="text-align: right;">Defendant.</p>	<p>Adv. Pro. No. 08-01789 (CGM)</p> <p>SIPA Liquidation</p> <p>(Substantively Consolidated)</p>
<p>In re:</p> <p>BERNARD L. MADOFF,</p> <p style="text-align: right;">Debtor.</p>	
<p>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,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>TRINCASTAR CORPORATION,</p> <p style="text-align: right;">Defendant.</p>	<p>Adv. Pro. No. 11-02731 (CGM)</p>

**ORDER DENYING DEFENDANT’S MOTION TO DISMISS**

Defendant Trincastar Corporation (“Defendant”) filed a motion to dismiss the Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) (the “Motion”) on July 29, 2022 (ECF No. 103). The parties stipulated to rest on their papers and waive oral argument on the Motion on January 5, 2023 (ECF No. 114). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, and the Complaint. The Court entered a memorandum decision, dated February 21, 2023, regarding the Motion (the

“Decision”) (ECF No. 118). 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 Defendant to file an answer to the Complaint is April 21, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: February 27, 2023**  
**Poughkeepsie, New York**



*/s/ Cecelia G. Morris*

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