

**UNITED STATES BANKRUPTCY COURT  
FOR THE 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 the Chapter 7 Estate of  
Bernard L. Madoff,

Plaintiff,

v.

NATIONAL BANK OF KUWAIT S.A.K.  
and NBK BANQUE PRIVÉE (SUISSE) S.A.,

Defendant.

Adv. Pro. No. 11-02554 (CGM)

**ORDER DENYING NATIONAL BANK OF KUWAIT S.A.K.  
AND NBK BANQUE PRIVÉE (SUISSE) S.A.'S MOTION TO DISMISS  
THE AMENDED COMPLAINT UNDER BANKRUPTCY RULE 7012(b)  
AND FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

Defendants National Bank of Kuwait S.A.K. (“NBK”) and NBK BANQUE PRIVÉE (SUISSE) S.A.’s (“NBK Suisse”, and, together with NBK, “Defendants”) Motion to Dismiss the Amended Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6)

(the “**Motion**”) was fully briefed for the Court’s consideration and oral argument was waived on January 13, 2023. The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, the Amended Complaint, and the Court has issued a memorandum decision, dated February 27, 2023, along with an errata order, dated February 28, 2023, 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 Amended Complaint is denied.
2. The deadline for Defendants to file an Answer to the Amended Complaint is April 14, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: March 8, 2023**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

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