

**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 the Chapter 7 Estate of  
Bernard L. Madoff,

Plaintiff,

v.

MERRILL LYNCH BANK (SUISSE) SA n/k/a BANK  
JULIUS, BÄR & CO. AG a/k/a BANK JULIUS BAER  
& CO. LTD.,

Defendant.

Adv. Pro. No. 11-02910 (CGM)

**ORDER DENYING MERRILL LYNCH BANK (SUISSE) SA'S  
MOTION TO DISMISS THE AMENDED COMPLAINT**

Defendant Merrill Lynch Bank (Suisse) SA (“Defendant”) filed a motion to dismiss the Amended Complaint under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) (the “Motion”) on November 21, 2022. The Court has considered the Motion and the papers filed in support of and in opposition to the Motion and the Amended Complaint, and the Court issued a memorandum

decision, dated April 26, 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 Defendant to file an answer to the Amended Complaint is June 30, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: May 5, 2023**  
**Poughkeepsie, New York**



*/s/ Cecelia G. Morris*

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