

**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 Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

UBS EUROPE SE (f/k/a UBS (LUXEMBOURG)
S.A.), UBS FUND SERVICES (LUXEMBOURG)
S.A., UBS THIRD PARTY MANAGEMENT
COMPANY S.A., M&B CAPITAL ADVISERS
SOCIEDAD DE VALORES, S.A., RELIANCE
INTERNATIONAL RESEARCH LLC,
LUXEMBOURG INVESTMENT FUND AND
LUXEMBOURG INVESTMENT FUND U.S.
EQUITY PLUS, as represented by their
Liquidators MAÎTRE ALAIN RUKAVINA and
PAUL LAPLUME, MAÎTRE ALAIN;
RUKAVINA and PAUL LAPLUME, in their
capacities as liquidators and representatives of
LUXEMBOURG INVESTMENT FUND AND
LUXEMBOURG INVESTMENT FUND U.S.
EQUITY PLUS,

Defendants.

Adv. Pro. No. 10-05311 (CGM)

**ORDER DENYING THE UBS DEFENDANTS'
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

Defendants UBS Europe SE (f/k/a UBS (Luxembourg) S.A.), UBS Fund Services (Luxembourg) S.A., and UBS Third Party Management Company S.A. (collectively, the “UBS Defendants”), filed a motion to dismiss the Second Amended Complaint under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) as made applicable by Bankruptcy Rule 7012 (ECF No. 290) (the “Motion”) on May 5, 2023. The Parties waived oral argument on the Motion. (ECF No. 312). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, and the Second Amended Complaint. The Court issued a memorandum decision, dated October 10, 2023, which is incorporated herein and made a part hereof, denying the Motion (the “Decision”) (ECF No. 320). Based on the record in this adversary proceeding, **IT IS HEREBY ORDERED** that:

1. The Motion is denied.
2. The deadline for the UBS Defendants to file an answer to the Second Amended Complaint (ECF No. 284) is December 22, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: October 23, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

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