

**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 (LGB)

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.

BANCO BILBAO VIZCAYA ARGENTARIA, S.A.,

Defendant.

Adv. Pro. No. 10-05351 (LGB)

**ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANT'S MOTION TO DISMISS THE AMENDED COMPLAINT**

On December 8, 2010, the Trustee filed the Original Complaint (ECF No. 1) against Banco Bilbao Vizcaya Argentaria, S.A., (“Defendant” or “BBVA”) seeking recovery of a single alleged subsequent transfer of \$45 million in BLMIS customer property from Fairfield Sentry Ltd. (“Sentry”) to BBVA. On July 31, 2024, the Trustee filed the Amended Complaint (ECF No. 151),

which sought to add eleven additional alleged subsequent transfers totaling \$6,680,416 of alleged BLMIS customer property from Sentry to a former branch of BBVA located in Miami (“BBVA Miami”). On September 11, 2024, BBVA filed a motion to dismiss the Amended Complaint in its entirety based on 11 U.S.C. §§ 546(g), 546(e), 548(a)(1)(A), and 550(b) (ECF No. 154; “Motion”). In addition, in the Motion, BBVA sought to dismiss the newly alleged subsequent transfers to BBVA Miami pursuant to 11 U.S.C. § 550(f) and Federal Rules of Civil Procedure 15 and 12(b)(6).

The Court heard oral argument on the Motion on February 24, 2025. The parties agreed to limit oral argument to issues relating specifically to the newly alleged transfers to BBVA Miami and otherwise rested on their papers. Upon consideration of the Motion, the papers filed in support of and in opposition to the Motion, and the Amended Complaint, the Court issued a memorandum decision granting the Motion (ECF No. 175), dated January 28, 2026, which is incorporated herein and made a part hereof.

Based on the record in this adversary proceeding, **IT IS HEREBY ORDERED** that:

1. The Motion is granted with respect to the additional subsequent transfer claims totaling \$6,680,416 in BLMIS customer property made from Sentry to BBVA Miami (ECF No. 154-4);
2. The Motion is denied with respect to the subsequent transfer of \$45,000,000 in BLMIS customer property made from Sentry to BBVA (ECF No. 154-3), and that claim still remains; and
3. The deadline for the BBVA to file an answer to the remaining claim in the Amended Complaint is April 15, 2026.

IT IS SO ORDERED.

Dated: February 12, 2026
NEW YORK, NEW YORK

/s/ Lisa G. Beckerman
HONORABLE LISA G. BECKERMAN
UNITED STATES BANKRUPTCY JUDGE