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Hearing Date: October 18, 2023
Objection Date: June 16, 2023
Reply Date: July 31, 2023

Attorneys for Defendant Natixis S.A.

**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.

NATIXIS S.A. and TENSYS LTD.,

Defendants.

Adv. Pro. No. 10-05353 (CGM)

NOTICE OF DEFENDANT NATIXIS S.A.'S MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Natixis S.A.’s Motion to Dismiss in the above-captioned action, the Declaration of Joseph Cioffi and exhibits thereto, and all prior pleadings and proceedings herein, Defendant Natixis S.A. (“Natixis” or “Defendant”) will move this Court on October 18, 2023, at 10:00 a.m. (EST), or as soon thereafter as counsel may be heard, for an order dismissing the Amended Complaint (ECF No. 193) filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered on January 10, 2023 (ECF No. 192), any oppositions to Natixis’s Motion to Dismiss shall be filed by June 16, 2023, and any reply in further support of Natixis’s Motion to Dismiss shall be filed by July 31, 2023.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: April 17, 2023
New York, New York

DAVIS+GILBERT LLP

By: /s/ Joseph Cioffi

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**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>NATIXIS S.A. and TENSYS LTD.,</p> <p style="text-align: right;">Defendants.</p>	<p>Adv. Pro. No. 10-05353 (CGM)</p>

**[PROPOSED] ORDER GRANTING DEFENDANT NATIXIS S.A.'S
MOTION TO DISMISS THE AMENDED COMPLAINT**

WHEREAS, on January 31, 2023, Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, filed the amended complaint in the above-captioned adversary proceeding (“Amended Complaint”) against Natixis S.A. (“Natixis”) and Tensyr; and

WHEREAS, on April 17, 2023, Natixis filed a motion to dismiss for failure to state a claim and for lack of personal jurisdiction pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(2), respectively, as made applicable to these proceedings by Federal Rule of Bankruptcy Procedure 7012(b) [ECF No. ___ in Adv. Pro. No. 10-05353] (“Motion”); and

WHEREAS, the parties’ briefs, declarations, and other papers in support and opposition to the Motion were fully submitted as of July 31, 2023, and the Court held oral argument on October 18, 2023; and

WHEREAS, on _____, 2023, the Court issued a written decision (the “Decision”) granting the Defendants’ Motion;

IT IS HEREBY ORDERED:

1. The Motion is GRANTED and the Amended Complaint is DISMISSED.
2. The Clerk of the Court is hereby directed to enter judgment in favor of Defendant Natixis in this Adversary Proceeding No. 10-05353 consistent with this Order.

Dated: _____
Poughkeepsie, New York

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