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Counsel to Falcon Private Bank

**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,

Plaintiff,

v.

FALCON PRIVATE BANK LTD. (f/k/a AIG
Privat Bank AG),

Defendant.

Adv. Pro. No. 11-02923 (CGM)

**MOTION AND NOTICE OF FALCON PRIVATE BANK'S MOTION
TO DISMISS THE COMPLAINT**

Falcon Private Bank Ltd. (“Falcon”), defendant in the above-captioned adversary proceeding, moves to dismiss (the “Motion to Dismiss”) the Complaint [Docket No. 1] under Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure (as made applicable pursuant to Federal Rule of Bankruptcy Procedure 7012) on the ground that the Court lacks personal jurisdiction over Falcon and that the Complaint fails to state a claim on which relief may be granted.¹

In support of the Motion to Dismiss, Falcon submits, contemporaneously herewith (a) the *Memorandum of Law in Support of Falcon Private Bank’s Motion to Dismiss the Complaint*, and (b) the *Declaration of Rahman Connelly in Support of Falcon Private Bank’s Motion to Dismiss the Complaint*.

In accordance with the Stipulation and Order, dated June 27, 2022 [Docket No. 117], the deadline for any response to the Motion to Dismiss is October 14, 2022.

A hearing on the Motion to Dismiss will be held before the Honorable Cecelia G. Morris on December 14, 2022 at 10:00 a.m. (Prevailing Eastern Time). The hearing will be conducted via Zoom®. Parties wishing to participate in the hearing must register their appearance utilizing the Electronic Appearance portal located on the Court’s website at: <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>.

Appearances must be entered no later than 4:00 p.m. (Prevailing Eastern Time) on December 13, 2022. Additional information concerning how to participate in the hearing is available in the Court’s Zoom Video Hearing Guide, available at: <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

¹ In accordance with Rule 7012 of the Federal Rules of Bankruptcy Procedure, Falcon does not consent to the entry of final orders or judgments by this Court.

Dated: August 15, 2022
New York, NY

PILLSBURY WINTHROP SHAW
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