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Grosvenor Aggressive Growth Fund Limited*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

<p>SECURITIES INVESTOR PROTECTION CORPORATION,</p> <p style="text-align: center;">Plaintiff-Applicant,</p> <p style="text-align: center;">v.</p> <p>BERNARD L. MADOFF INVESTMENT SECURITIES LLC,</p> <p style="text-align: center;">Defendant.</p>
<p>In re:</p> <p>BERNARD L. MADOFF</p> <p style="text-align: center;">Debtor.</p>
<p>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>GROSVENOR INVESTMENT MANAGEMENT LTD., GROSVENOR PRIVATE RESERVE FUND LIMITED (in liquidation), GROSVENOR</p>

Adv. Pro. No. 08-01789 (BRL)
SIPA Liquidation
(Substantively Consolidated)

Adv. Pro. No. 12-01021 (BRL)

BALANCED GROWTH FUND LIMITED (in liquidation) AND GROSVENOR AGGRESSIVE GROWTH FUND LIMITED (in liquidation), Defendants.

MOTION AND NOTICE OF MOTION TO DISMISS THE GROSVENOR COMPLAINT

Defendants Grosvenor Investment Management Ltd., Grosvenor Private Reserve Fund Limited, Grosvenor Balanced Growth Fund Limited, and Grosvenor Aggressive Growth Fund Limited (collectively, the “Grosvenor Defendants”) upon the accompanying Memorandum of Law in Support of Defendant’s Motion to Dismiss the Complaint in the above-captioned action, the Declaration of Michael Morrison, dated as of April 14, 2022 and the exhibits thereto, the Declaration of Ehud Barak, dated as of the date hereof and the exhibits hereto, and all prior pleadings and proceedings herein, hereby move this Court for an order dismissing the Complaint filed by Irving H. Picard, Trustee (the “Trustee”) for the Liquidation of Bernard L. Madoff Securities Investment Securities LLC with prejudice pursuant to Rules 8(a), 10(c), 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 NOTICE that, pursuant to the Stipulation and Order in this proceeding entered February 15, 2022, the Trustee shall respond to this motion by June 15, 2022 and the Grosvenor Defendants shall file its reply by July 15, 2022.

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

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WHEREFORE, Defendants respectfully request the Court enter an order granting the relief requested herein, and such other and further relief as the Court deems just and appropriate.

Dated: April 15, 2022
New York, New York

PROSKAUER ROSE LLP

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