

**Hearing Date:** April 19, 2023 at 10:00 a.m.  
**Objection Deadline:** February 13, 2023

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*Attorneys for Defendants*

**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.  
  
EFG BANK S.A., f/k/a EFG Private Bank S.A.,  
EFG BANK (MONACO) S.A.M., f/k/a EFG  
Eurofinancière d'Investissements S.A.M., and  
EFG BANK & TRUST (BAHAMAS)  
LIMITED, as successor-in interest to Banco  
Atlántico (Bahamas) Bank & Trust Limited  
  
Defendants.

Adv. Pro. No. 12-01690 (CGM)

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**NOTICE OF MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Motion to Dismiss Plaintiff's Amended Complaint and the accompanying Declaration of Paul A. Kanellopoulos dated as of the date hereof and exhibits thereto, and all prior pleadings and proceedings herein, Defendants EFG Bank S.A. (a/k/a EFG Bank AG) ("EFG Bank"), EFG Bank (Monaco) S.A.M. ("EFG Monaco"), and EFG Bank & Trust (Bahamas) Limited ("EFG Bahamas," and collectively, the "EFG Defendants,") will move this Court on April 19, 2023 at 10:00 a.m. (prevailing Eastern time), or as soon thereafter as counsel may be heard, for an order dismissing the Amended Complaint (Dkt. No. 100) 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 a Stipulation and Order, any oppositions to this motion shall be filed by February 13, 2023 and any reply in further support of this motion shall be filed by March 15, 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.

**Hearing Date:** April 19, 2023 at 10:00 a.m.  
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Dated: December 13, 2022  
New York, New York

Respectfully Submitted,

/s/ Adam M. Lavine

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