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**Hearing Date: June 9, 2021**

**Response Deadline: May 4, 2021**

*Attorneys for Defendant Khronos Liquid  
Opportunities Fund, Ltd.*

**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>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: center;">Debtor.</p>	
<p>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>RAFAEL MAYER, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Adv. Pro. No. 20-01316 (CGM)</p>

**KHRONOS LIQUID OPPORTUNITIES FUND LTD.' S  
NOTICE OF MOTION TO DISMISS THE COMPLAINT  
UNDER BANKRUPTCY RULE 7012(b) AND FEDERAL  
RULES OF CIVIL PROCEDURE 12(b)(2) AND 12(b)(6)**

**TO: THE HONORABLE CECELIA G. MORRIS,  
UNITED STATES BANKRUPTCY JUDGE:**

**PLEASE TAKE NOTICE** that upon the accompanying (i) Declarations of Rafael Meyer and Daniel S. Alter, and the exhibits annexed thereto, in Support of Defendant Khronos Liquid Opportunities Fund Ltd.'s Motion to Dismiss the Complaint Under Federal Rule of Bankruptcy Procedure 7012(b) and Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), dated March 2, 2021, and (ii) Khronos Liquid Opportunities Fund Ltd.'s Memorandum of Law in Support of its Motion to Dismiss the Complaint, and upon all prior proceedings in the SIPA Liquidation No. 08-01789 (Substantively Consolidated), Defendant Khronos Liquid Opportunities Fund, Ltd., by and through its undersigned counsel, moves this Court for an order pursuant to Federal Rule of Bankruptcy Procedure 7012(b) and Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) dismissing with prejudice the Complaint filed by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC on November 11, 2021, ECF No. 1, and for such other and further relief as the Court deems just and proper (the "**Motion**").

**PLEASE TAKE FURTHER NOTICE** that a hearing on the Motion will be held **on June 9, 2021, at 9:00 a.m.** before the Honorable Cecelia G. Morris, United States Bankruptcy Judge.

**PLEASE TAKE FURTHER NOTICE** that in light of the public health emergency caused by the COVID-19 virus, the Hearing will be conducted telephonically using Court Solutions LLC in accordance with General Order M-543, Court Operations Under the Exigent Circumstances Created by COVID-19 (which can be found at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov)).

**PLEASE TAKE FURTHER NOTICE** that pursuant to Stipulation and Consent Order dated January 22, 2021, ECF No. 5, any responses or objections to the Motion must be made in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court, and shall be filed with the Bankruptcy Court (a) electronically in accordance with General Order M-399 (which can be found at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov)) by registered users of the Bankruptcy Court's filing system, and (b) by all other parties in interest, on a CD-ROM or 3.5 inch disk, in text-searchable portable document format (PDF), with a hard copy delivered directly to Chambers, in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and served in accordance with General Order M-399 and on Yankwitt LLP, attorneys for Khronos Liquid Opportunities Fund Ltd., 140 Grand Street, Suite 705, White Plains, N.Y. 10601 (Attn: Daniel S. Alter, Esq.), so as to be received no later than **May 4, 2021 (the "Response Deadline")**.

**PLEASE TAKE FURTHER NOTICE** that if no objections are timely filed and served with respect to the Motion, Khronos Liquid Opportunities Fund Ltd. may, on or after the Response Deadline, submit to the Bankruptcy Court an order substantially in the form of the proposed order annexed hereto as Exhibit A, which order may be signed and entered with no further notice or opportunity to be heard.

Dated: March 2, 2021  
White Plains, New York

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**Exhibit A**

Proposed Order

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

<p>SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.</p>	<p>Adv. Pro. No. 08-01789 (CGM)  SIPA Liquidation  (Substantively Consolidated)</p>
<p>In re:  BERNARD L. MADOFF,  Debtor.</p>	
<p>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff,  Plaintiff,  v.  RAFAEL MAYER, <i>et al.</i>,  Defendants.</p>	<p>Adv. Pro. No. 20-01316 (CGM)</p>

**ORDER GRANTING KHRONOS LIQUID OPPORTUNITIES FUND LTD.'S  
MOTION TO DISMISS THE COMPLAINT UNDER BANKRUPTCY RULE 7012(b)  
AND FEDERAL RULES OF CIVIL PROCEDURE 12(b)(2) AND 12(b)(6)**

This matter coming before the Court on *Rafael Mayer's Motion to Dismiss the Complaint Under Bankruptcy Rule 7012(b) and Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6)* (the "**Motion**"); and the Court having considered the Motion, the Complaint, and the statements of counsel at a hearing before the Court on \_\_\_\_\_ (the "**Hearing**"); and the Court having found that notice of the Motion and the Hearing was sufficient under the circumstances; and the Court

having determined the legal bases set forth in the Motion and at the hearing established just cause for the relief granted herein; it is accordingly

ORDERED, that the Motion is granted in its entirety; and it is further

ORDERED, that Count One of the Complaint is dismissed with prejudice as against Khronos Liquid Opportunities Fund Ltd.; and it is further

ORDERED, that the Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

Dated: New York, New York

\_\_\_\_\_, 2021

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United States Bankruptcy Judge