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Via ECF

February 16, 2017

Chief Judge Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *SEC v. Platinum Management (NY) LLC et al*, Civil Case No. 16-cv-6848 (DLI)(VMS)

Dear Chief Judge Irizarry:

We are proposed counsel to Bart M. Schwartz (the "Receiver"), in his capacity as the court-appointed receiver for defendant Platinum Credit Management, L.P. and certain related entities (collectively, the "Receivership Entities"), and write in response to your orders of February 14, 2017 and February 16, 2017 regarding Docket Nos. 63, 65, and 26, in which you observe that the Receiver filed applications as motions for more definite statements, when those applications seek other relief.

As Your Honor knows, pursuant to the Order Appointing Receiver entered December 19, 2016 [Docket No. 6], as amended on January 30, 2017 (the "Receiver Order"), there are a number of decisions which the Receiver is empowered to make which must be approved by this Court. *See, e.g.*, Receiver Order ¶¶ 6.F, 49 (engaging persons to assist the Receiver in carrying out his duties); 50-55 (payment of fees to the Receiver and personnel retained by the Receiver); 25, 33 (resuming or commencing litigation); 28 (the sale of real estate); 36 (filing a bankruptcy petition). Moreover, to the extent the Receiver is not specifically authorized to take action, the Receiver Order allows him to apply to this Court for permission to act. *See* Receiver Order ¶ 6.L. (the Receiver shall have the power "To take such other action as may be approved by this Court"). The Receiver must therefore regularly apply to Your Honor for the required approvals, which do not constitute relief against any party and are non-adversarial in nature. Rather, the Receiver, as an officer of the Court, seeks authorization for such actions to preserve and maximize the value of the Receivership Estate for the benefit of all investors and creditors.

While such applications are standard in receivership cases, the Eastern District of New York ECF system does not contain an "event" type correlating to such applications. When we filed the Receiver's Motion for an Order Lifting the Litigation Stay [Docket No. 26] and Applications for Orders Approving the Retention of Cooley LLP and Guidepost Solutions LLC [Docket Nos. 63 and 65], we conferred with the ECF office and were advised to file the applications under the event "Motion for More Definite Statement." As Your Honor correctly noted in the Order filed on February 14, 2017, these applications were not motions for more definite statements. As we understood that we were not in fact filing motions for more definite statements, we asked the ECF clerks if a more appropriate event type could be added to the available options. We were advised that adding an event type requires committee approval, and further advised that our filings would be rejected if we used another event type.

We apologize to the Court for any confusion this has caused, and seek the Court's guidance as to how best to proceed with such applications for approval in the future. In the meantime, we propose to file applications as letters supported by exhibits. The ECF office indicated to us today that it will accept such filings on behalf of the Receiver.



Chief Judge Dora L. Irizarry
February 16, 2017
Page Two

We are available, as is the Receiver, for a conference to discuss a different protocol for filings by the Receiver or the status and progress of the Receivership, at the Court's convenience.

Respectfully submitted,

/s/ Celia Goldwag Barenholtz
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Proposed Counsel to the Receiver

cc: All counsel of record (via ECF)