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March 30, 2017

VIA ECF

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

Re: SEC v. Platinum Mgmt. (NY) LLC, et al., 16-cv-6848 (DLI) (VMS)

Dear Chief Judge Irizarry:

We represent Defendants Mark Nordlicht and Platinum Management (NY) LLC (“PMNY”) in this matter and write regarding the Receiver’s motion to expand the scope of receivership, Dkt. No. 112. As the Receiver reported in his motion, Mr. Nordlicht and PMNY consent to placing PMNY into receivership. We write to clarify, however, that the precise terms and conditions of such a receivership were not discussed or agreed to with the Receiver or his counsel prior to the Receiver’s application to the Court. As a result, while Mr. Nordlicht and PMNY consent to placing PMNY in some form of receivership, they do not consent to the proposed Order as drafted, which they did not have an opportunity to review prior to the Receiver’s application to the Court. Specifically, Mr. Nordlicht and PMNY join in Defendant David Levy’s proposed modification that would exempt control of the attorney-client privilege from the Receiver’s authority. See Dkt. No. 119, at 2. With that amendment, Mr. Nordlicht and PMNY would consent to the Receiver’s application.

Respectfully submitted,

/s/ William A. Burck
William A. Burck

cc: All Counsel of Record (by ECF)

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