

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN TROTT and CHRISTOPHER SMITH,
as Joint Official Liquidators and Foreign
Representatives of PLATINUM PARTNERS
VALUE ARBITRAGE FUND L.P. (in Official
Liquidation) and PLATINUM PARTNERS
VALUE ARBITRAGE FUND L.P. (in Official
Liquidation),

Plaintiffs,

- against -

PLATINUM MANAGEMENT (NY) LLC, *et al.*,

Defendants.

Civil Action No. 1:18-cv-10936-JSR

STIPULATION

WHEREAS, on November 21, 2018, Plaintiffs Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) and for Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (collectively, “Plaintiffs”) filed a Complaint in the above-captioned action (Dkt. 1) naming Gregg Donnenfeld (“Donnenfeld”) as a Defendant;

WHEREAS, on January 9, 2019, Donnenfeld, through the undersigned counsel, filed a Motion to Dismiss the Complaint as against him (the “Motion”) (Dkt. 78);

WHEREAS, on January 23, 2019, Plaintiffs filed their First Amended Complaint (Dkt. 156), which does not name Donnenfeld as a Defendant;

IT IS HEREBY STIPULATED AND AGREED, by and between the respective attorneys for the parties hereto, that in light of Donnenfeld’s not having been named a defendant in the First Amended Complaint, the action is hereby discontinued against Donnenfeld without

prejudice, Donnenfeld's Motion is hereby deemed withdrawn as moot, and the Court accordingly need not decide the Motion; and

Plaintiffs reserve all rights and remedies at law and equity with respect to Donnenfeld, none of which are waived, and Donnenfeld reserves all rights, remedies and defenses at law and equity with respect to Plaintiffs, none of which are waived.

IT IS HEREBY FURTHER STIPULATED AND AGREED that this Stipulation may be filed without further notice, that the Stipulation may be executed in counterparts (which, when taken together, shall constitute the entire Agreement), and that signatures by electronic mail should be considered by the Court the same as original signatures.

IT IS FURTHER STIPULATED AND AGREED that the rights of Plaintiffs and Donnenfeld, except as expressly set forth herein, are reserved, and nothing herein shall in itself constitute a release or compromise of any claim, by either party, or defense of any nature.

Dated: January 29, 2019
New York, New York

KATSKY KORINS LLP

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Martin Trott and Christopher Smith, as
Joint Official Liquidators and Foreign
Representatives of Platinum Partners Value
Arbitrage Fund L.P. (in Official
Liquidation) and for Platinum Partners
Value Arbitrage Fund L.P. (in Official
Liquidation)*

SO ORDERED:

HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE