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Attorneys for Defendants Beechwood Trust Nos. 7-14

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE PLATINUM-BEECHWOOD LITIGATION,	:	No. 18 Civ. 6658 (JSR)
	:	
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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 PLATINUM	:	No. 18 Civ. 10936 (JSR)
PARTNERS VALUE ARBITRAGE FUND L.P. (in	:	
OFFICIAL LIQUIDATION),	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
PLATINUM MANAGEMENT (NY) LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
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**MEMORANDUM OF LAW OF BEECHWOOD TRUST NOS. 7-14
IN SUPPORT OF THEIR MOTION TO DISMISS FIRST AMENDED COMPLAINT**

Defendants Beechwood Trust Nos. 7-14 (the “Movant Trusts”) respectfully move to dismiss the First Amended Complaint (the “FAC”) pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

The allegations against the Movant Trusts rely entirely on impermissible group pleading. The Movant Trusts are identified among a group of other trusts defined as “Beechwood Trusts.” (FAC ¶ 204). The Beechwood Trusts are then folded into an even larger group called “Beechwood Entities.” (FAC ¶ 206). The Eighteenth Count of the FAC purports to state a “relief only” claim against all the Beechwood Entities, but the FAC is devoid entirely of any factual allegation of wrongdoing by or through any of the Movant Trusts. Nor is there any securities-related statement attributed to the Beechwood Entities, the Beechwood Trusts, or the Movant Trusts that could even conceivably justify application of the group pleading doctrine. *See In re Alstom SA*, 406 F. Supp. 2d 433, 450 (S.D.N.Y. 2005).

For these reasons and for the reasons set forth in Section I of the Memorandum of Law filed by defendant David Bodner, the FAC fails to state a claim against the Movant Trusts for which relief can be granted.

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Dated: February 4, 2019
New York, New York

Respectfully submitted,

CURTIS, MALLET-PREVOST,
COLT & MOSLE LLP

By: /s/ Eliot Lauer

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