

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

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Case No.: 1:18-cv-10936-JSR
S.D. OF N.Y.

**DEFENDANT DAVID LEVY'S
JOINDER IN MOTIONS TO DISMISS
AND MEMORANDA OF LAW**

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,

v.

PLATINUM MANAGEMENT (NY) LLC,
et al.,

Defendants.

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Defendant David Levy ("Mr. Levy") respectfully joins in the Motions to Dismiss and supporting Memoranda of Law filed in this action by defendants David Bodner, David Ottensoser, David Steinberg and certain individuals and entities identified in the First Amended Complaint as Preferred Investors of the BEOF Funds, including the Estate of Jules Nordlicht, FCBA Trust, Morris Fuchs, Barbara Nordlicht, Aaron Parnes, Sarah Parnes, and Solomon Werdiger. Mr. Levy further reserves his right to join in Motions to Dismiss and supporting Memoranda of Law that may be filed by other defendants in the future.

More specifically, the claims against Mr. Levy should be dismissed because Plaintiffs have failed to satisfy either the basic pleading standards under Rule 12(b)(6) or the heightened pleading standard for fraud and fraud-based claims under Rule 9(b) as to the claims asserted against Mr. Levy.

Accordingly, and for the reasons articulated in the above-named Defendants' Memoranda of Law, all of Plaintiffs' claims against Mr. Levy fail as a matter of law and should be dismissed with prejudice pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: February 4, 2019

By:  _____

David Levy

50 Riverside Boulevard, Apt. 24C
New York, New York 10069

Pro Se Defendant

K.E. David Levy
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1301 Avenue of Americas
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Pro Se Intake Unit
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Southern District of New York
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