

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), *et ano.*

Case No. 1:18-cv-10936 (JSR)

Plaintiffs,

- against -

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

Defendants.

STATEMENT IN REGARD TO INITIAL CONFERENCE

Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (the “**JOLs**”), and Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (“**PPVA**” and collectively with the JOLs, “**Plaintiffs**”), by their counsel Holland & Knight LLP, respectfully submit the following statement in regard to the December 19, 2018 Initial Conference in this action.

1. On November 21, 2018, Plaintiffs commenced the above-referenced action by filing the complaint (the “**Complaint**”) [Docket No. 1].

2. The Complaint names 90 defendants (the “**Defendants**”), comprised of foreign and domestic individuals and entities, including certain unidentified Defendants listed as John Does 1-100. Attached as **Exhibit 1** is a complete list of the Defendants, John Does excluded, and communications Plaintiffs’ counsel have had with the Defendants or their counsel as of the date of this filing.

3. On December 4, 2018, the Court entered a Notice of Court Conference (the “**Conference Order**”) directing that an initial case conference be held on December 19, 2018 at 11:00 a.m. in Courtroom 14B, 500 Pearl Street, New York, New York 10007 (the “**Conference**”). The Conference Order further directs Plaintiffs and all Defendants to appear at the Conference individually or by counsel. The Conference Order also attaches a form case management plan that sets a trial ready date of May 20, 2019.

4. The Defendants fall into three broad groups: (i) Platinum Management¹ and its principals, managers, advisors and owners (“**Platinum Defendants**”); (ii) entities affiliated with the Beechwood enterprise and the principals, managers, advisors and owners of the Beechwood Entities (“**Beechwood Defendants**”); and (iii) the BEOF Funds and certain of their investors (“**BEOF Defendants**”).

5. Plaintiffs expect the individual Platinum Defendants and the Beechwood Defendants to eventually retain counsel and appear in this action and communications with these potential attorneys of record have already begun. Plaintiffs do not expect the BEOF Funds or their counsel to appear in this case, as they have defaulted in other related matters, and anticipate that many of the BEOF Funds investors named as Defendants will not appear at the Conference. A significant number of the BEOF Funds investor Defendants have appeared as purported creditors in the Cayman Liquidation of PPVA, and notice has been duly sent to their counsel of record in that proceeding.

6. On December 7-8, 2018, Plaintiffs’ counsel sent each Defendant a letter via Federal Express Overnight courier service enclosing copies of the Conference Order and this Court’s

¹ All capitalized terms not defined herein shall have the meaning prescribed in the Complaint.

Individual Rules of Practice (the “**Defendant Letter**”). A true and correct copy of the Defendant Letter, including the service list, is attached hereto as **Exhibit 2**.

7. On December 8, 2018, Plaintiffs’ counsel sent a letter via email to certain attorneys that Plaintiffs understand have represented one or more of the Defendants in separate litigation related to this matter, notifying these attorneys of the upcoming Conference and enclosing a copy of the Conference Order (the “**Attorney Letter**”). A true and correct copy of the Attorney Letter, including the service list, is attached hereto as **Exhibit 3**.

8. Since delivery of the Defendant Letter and the Attorney Letter, Plaintiffs’ counsel have been contacted by certain Defendants and attorneys concerning this action and the upcoming Conference. *See* Exhibit 1.

9. Plaintiffs intend to continue communications with these counsel and other counsel that may appear prior to the December 19, 2018 conference.

10. Particularly in connection with the Platinum Defendants and the Beechwood Defendants, Plaintiffs intend to coordinate service or stipulated service with these Defendants, such that their timeframes to answer or otherwise move to dismiss the complaint are synchronized, and to further confer, to the extent applicable and towards maximizing efficiency, as to a schedule for motion(s) to dismiss and an omnibus response by Plaintiffs to the same.

11. Plaintiffs note that the Conference Order and this Court’s Individual Rules provide for the submission of a draft case management plan in advance of the Conference, and also indicate a trial ready date of May 20, 2019. It is likely that Plaintiffs could meet this trial deadline in a vacuum, particularly as all or nearly all of the relevant documentation is located on the Platinum Management server, and Plaintiffs have engaged the services of KPMG (Cayman) to act as E-Discovery manager. However, Plaintiffs anticipate logistical hurdles being presented on

Defendants' side, many of whom have yet to retain counsel, such as Defendants' capacity to receive or request the more than 13 million documents from the Platinum server in the Plaintiffs' possession and produce the substantial relevant documentation believed to be in Defendants' control or possession.

12. First, while we have received calls from some Defendants/attorneys, as set forth on Exhibit 1, the substantial majority of the Defendants have not yet contacted us and notices of appearance have been filed for only a single Defendant in this case. [Docket No. 19]. Plaintiffs' counsel intend to make further efforts to contact all Defendants prior to service of the Complaint, in hopes of identifying additional attorneys of record willing to accept service of the Complaint on behalf of their respective clients, be it through additional letters or telephone calls to the Defendants or their representatives. However, Plaintiffs do not know whether the Defendants we have not heard from intend to appear at the Conference in person and/or if they have retained counsel to represent them in this case.

13. Second, the JOLs are custodians of Platinum Management's servers and are currently in possession of more than 13 million documents from that server that may be relevant to this action and may be subject to disclosure pursuant to Fed. R. Civ. P. 26(a)(1). Production of the entire corpus of these documents may be burdensome to both the Plaintiffs and Defendants, and it is anticipated that in the aggregate, Defendants will possess a similar volume of relevant documentation. Plaintiffs' intend to coordinate with Defendants' counsel to reasonably set the parties' (and non-parties') discovery obligations. Plaintiffs anticipate that the Beechwood Defendants and some of the Platinum Defendants have already made productions in related civil and criminal actions, but this has not been confirmed by Defendants' counsel.

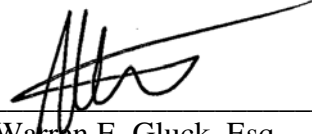
14. Under the circumstances, Plaintiffs initially request that any case management plan entered in this action facilitate synchronization of service on the Defendants so that all Defendants are bound to the same deadline to file responsive pleadings.

15. Plaintiffs further request that any case management plan entered in this action permit Plaintiffs to file an omnibus response to any motions filed by the Defendants and grant Plaintiffs a temporary reprieve from page and/or word count limitations for their omnibus opposition to such motions.

16. Concerning discovery, Plaintiffs anticipate coordinating with counsel for the Platinum and Beechwood Defendants, once they have confirmed their representations in this action, so as to receive and produce documentation that has already been produced in the various actions where discovery has already progressed.

Dated: December 12, 2018
New York, New York

HOLLAND & KNIGHT LLP

By: 
Warren E. Gluck, Esq.

Warren E. Gluck, Esq.
Barbra R. Parlin, Esq.
Sean S. Sheely, Esq.
Mitchell J. Geller, Esq.
Timothy D. Belevetz, Esq. (*pro hac vice
forthcoming*)
Richard A. Bixter Jr., Esq. (*pro hac vice
forthcoming*)
Trisha M. Rich, Esq. (*pro hac vice forthcoming*)
31 West 52nd Street
New York, New York 10019
Telephone: 212-513-3200
Facsimile: 212-385-9010
Email: warren.gluck@hklaw.com
barbra.parlin@hklaw.com

sean.sheely@hklaw.com
mitchell.geller@hklaw.com
timothy.belevetz@hklaw.com
richard.bixter@hklaw.com
trisha.rich@hklaw.com

Attorneys for the Plaintiffs

EXHIBIT 1

<u>Defendant</u>	<u>Responses Received from Attorneys or Defendants</u>
Platinum Management (NY) LLC	No Response.
Mark Nordlicht	No Response.
David Levy	No Response.
Murray Huberfeld	No Response.
David Bodner	<p>Plaintiffs' counsel have received notice of representation of this Defendant from the following attorney:</p> <p>Gabriel Hertzberg Curtis, Mallet-Prevost, Colt & Mosle LLP 101 Park Avenue New York, NY 10178 212-696-8856 ghertzberg@curtis.com</p>
Estate of Uri Landesman	<p>The following attorney has appeared in this case on behalf of this Defendant:</p> <p>Eric R Breslin Melissa S. Geller Duane Morris LLP One Riverfront Plaza 1037 Raymond Blvd., Suite 1800 Newark, NJ 07102 973-424-2063 erbreslin@duanemorris.com MSGeller@duanemorris.com</p>
Daniel Small	No Response.
Joseph SanFilippo	No Response.
David Steinberg	No Response.

Gregg Donnenfeld	<p>Plaintiffs' counsel have received notice of representation of this Defendant from the following attorney:</p> <p>Scott M. Kessler Akerman LLP 666 Fifth Avenue, 20th Floor New York, NY 10103 212-880-3874 Scott.kessler@akerman.com</p>
David Ottensoser	No Response.
Bernard Fuchs	No Response.
Michael Nordlicht	No Response.
Michael Katz	<p>Plaintiffs' counsel have received notice of representation of this Defendant from the following attorneys:</p> <p>Stuart Glick Nicole Williams Nicholas Davis Thompson & Knight LLP 900 Third Avenue 20th Floor New York, NY 10022</p> <p>777 Main Street Suite 3300 Fort Worth, TX 76102</p>
Kevin Cassidy	No Response.
Seth Gerszberg	No Response.
Ezra Beren	No Response.
Naftali Manela	No Response.
Daniel Saks	No Response.

Beechwood Defendants¹	Plaintiffs' counsel have had communications with the following attorney regarding potential representation of certain of the Beechwood Defendants: Steven H. Holinstat Proskauer Rose LLP 11 Times Square New York, NY 10036 (212) 969-3106 sholinstat@proskauer.com
BRe BCLIC WNIC 2013 LTC Primary, BRe BCLIC WNIC 2013 LTC Sub	Plaintiffs' counsel have had preliminary discussions with these Defendants' counsel regarding entering into a tolling agreement
Platinum Partners Black Elk Opportunities Fund LLC	No Response.
Platinum Partners Black Elk Opportunities International Fund Ltd.	No Response.
Morris Fuchs, Aaron Parnes, Sarah Parnes and Solomon Werdiger	Plaintiffs' counsel have received notice of representation of these Defendants from the following attorney: Kenneth A. Zitter Law Offices of Kenneth A. Zitter 260 Madison Avenue New York, NY 10016 (212) 532-8000 kzitter@aol.com
Leon Myers	No Response.
MN Consulting NY LLC	No Response.
Estate of Jules Nordlicht	No Response.

¹ The Beechwood Defendants include: (i) Moshe a/k/a Mark Feuer; (ii) Scott Taylor; (iii) Dhruv Narain; (iv) Beechwood Re. Ltd.; (v) B Asset Manager, LP; (vi) Beechwood Bermuda International Ltd.; (vii) B Asset Manager II, LP; (viii) Beechwood Re Investments, LLC; (ix) Beechwood Re Holdings Inc.; (x) BAM Administrative Services, LLC; (xi) Beechwood Capital Group, LLC; (xii) Illumin Capital Management LP; (xiii) Beechwood Trust Nos. 1-20; (xiv) Beechwood Re Investments, LLC Series A-I; (xv) BRe BCLIC Primary; (xvi) BRe BCLIC Sub; (xvii) BBIL ULICO 2014 Trust; (xviii) BBLN-PEDCO Corp.; and (xix) BHLN-PEDCO Corp.

Barbara Nordlicht	No Response.
Estate of Solomon Englander; Estate of Gertrude Englander	Plaintiffs' counsel have received notice of representation of these Defendants from the following attorney: Greg Schwed Loeb & Loeb LLP 345 Park Avenue New York, NY 10154 212-407-4815 gschwed@loeb.com
Rockwell Fulton Capital	No Response.
Ditmas Park Capital, L.P.	No Response.
Platinum F.I. Group LLC and Huang Lai Tsu Hsia	The following attorney has confirmed representation of these Defendants in the Cayman Islands and confirmed receipt of the Attorney Letter. John Harris Higgs & Johnson LLP Georgetown, Grand Cayman 345-914-4620 jharris@higgsjohnson.com
FCBA Trust	No Response.
Shmuel Fuchs Foundation	No Response.
Olive Tree Holdings LLC	No Response.
Huberfeld Family Foundation	No Response.
Mind, Body & Soul Co., Limited	No Response.
Twosons Corporation	No Response.
GRD Estates Ltd.	No Response.

EXHIBIT 2

Holland & Knight

31 West 52nd St. | New York, NY 10019 | T 212.513.3200 | F 212.385.9010
Holland & Knight LLP | www.hklaw.com

Warren E. Gluck
(212) 513-3396
warren.gluck@hklaw.com

Via Federal Express Overnight

December 7, 2018

SEE ENCLOSED SERVICE LIST

Re: *Trott et ano. v. Platinum Management (NY) LLC, et al., No 1:18-cv-10936-JSR (S.D.N.Y.); Order Concerning Court Conference on December 19, 2018*

To Whom It May Concern:

Holland & Knight LLP represents plaintiffs Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (the “**JOLs**”), and Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (“**PPVA**” and collectively with the JOLs, “**Plaintiffs**”).

On November 21, 2018, Plaintiffs commenced the above-referenced action by filing the complaint (the “**Complaint**”) in the United States District Court for the Southern District of New York (the “**Pending Action**”). The Pending Action has been assigned to the Hon. Jed S. Rakoff, U.S.D.J (the “**Court**”).

On December 4, 2018, the Court entered an Order (the “**Conference Order**”) setting an initial case conference to be held on **December 19, 2018 at 11:00 a.m. in Courtroom 14B, 500 Pearl Street, New York, NY 10007** (the “**Conference**”). The Conference Order states that Plaintiffs and all defendants must appear at the Conference individually or by counsel.

You are receiving this letter because you have been named as a defendant in the Pending Action. Enclosed please find a copy of the Conference Order and the attached form Civil Case Management Plan. Also enclosed is a copy of the Court’s Rules of Practice. To the extent applicable, the Plaintiffs also have delivered copies of the Conference Order, form Civil Case Management Plan and the Court’s Rules of Practice to attorneys that the Plaintiffs understand have represented you in other matters.

Please be advised that this letter and the enclosed Conference Order is not intended to and does not constitute service of the Complaint in the Pending Action, and that the Plaintiffs reserve all rights and remedies.

Page 2

To the Parties on the Enclosed Service List

If you have any questions, please do not hesitate to contact me by phone at (212) 513-3396 or via email at warren.gluck@hklaw.com.

Sincerely yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read 'W. Gluck', with a long horizontal line extending from the end of the signature.

Warren E. Gluck

Enclosures

Cc: Martin Trott (via email)
Christopher Smith (via email)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Effective January 21, 2010

NOTICE OF COURT CONFERENCE

Trott

Plaintiff(s),

18cv10936 (JSR)

-v-

Platinum Management

Defendant(s).

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC # _____
DATE FILED: 12-4-2018

To: The Attorney(s) for Plaintiff(s):

The Honorable Jed S. Rakoff, U.S.D.J. has ordered that counsel for all parties attend a conference, at the time and place fixed below, for the purpose of case management and scheduling pursuant to Fed. R. Civ. P. 16. You are directed to furnish all attorneys in this action with copies of this notice and enclosures, and to furnish Chambers with a copy of any transmittal letter(s). If you are unaware of the identity of counsel for any of the parties, you should send a copy of the notice and rules to that party personally, informing the party that any unrepresented party is required to appear at the conference in person. **Finally, upon receipt of this notice, please immediately furnish Chambers with a courtesy copy of your complaint and F.R.C.P. Rule 7.1 Statement, if applicable.**

Since this case has been designated an electronic case, by the date of the initial pretrial conference counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing and file an Notice of Appearance.

DATE AND PLACE OF CONFERENCE: 12-19-2018, AT THE UNITED STATES COURTHOUSE, 500 PEARL STREET, NEW YORK, N.Y. IN COURTROOM 14-B AT 11:00

No application for adjournment will be considered unless made within one week of the date of this notice. The fact that any party has not answered the complaint does not excuse attendance by that party or warrant any adjournment of the conference.

No later than one week prior to the conference, the parties shall furnish the Court with a written report of their agreements or disagreements regarding planning of discovery pursuant to Fed. R. Civ. P. 26(f). Enclosed is a form (Form D) for a Case Management Plan that the parties may utilize in making this report. In the absence of agreement, the Court, after hearing from counsel, will order a Case Management Plan and schedule at the conference. Absent extraordinary circumstances, the Plan shall provide that the case be ready for trial within five months of the date of the conference.

In addition to the matters covered in Form D, counsel should also be prepared to address at the conference the factual and legal bases for their claims or defenses, any issue as to subject matter jurisdiction, and any other issue relevant to case management.

SO ORDERED.

S/ Jed S. Rakoff

JED S. RAKOFF
U.S.D.J.

DATED: New York, New York
December 4, 2018

Revised Form D—For cases assigned to Judge Rakoff

Effective September 10, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

Trott

Plaintiff(s),

CIVIL CASE MANAGEMENT PLAN
(JUDGE RAKOFF)

-v-

18cv10936 (JSR)

Platinum Management

Defendant(s).

----- x

**This Court requires that this case shall be ready for trial on
5-20-2019.**

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

- A. The case (is) (is not) to be tried to a jury. [Circle as appropriate]
- B. Joinder of additional parties must be accomplished by _____.
- C. Amended pleadings may be filed without leave of Court until _____.
- D. Discovery (in addition to the disclosures required by Fed. R. Civ. P. 26(a)):
 - 1. Documents. First request for production of documents, if any, must be served by _____ . Further document requests may be served as required, but no document request may be served later than 30 days prior to the date of the close of discovery as set forth in item 6 below.
 - 2. Interrogatories. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York must be served by _____. No other interrogatories are permitted except upon prior express permission of Judge Rakoff. No Rule 33.3(a) interrogatories need be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).
 - 3. Experts. Every party-proponent of a claim (including any counterclaim, cross-claim, or third-party claim) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by _____. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by _____. No expert testimony (whether designated as “rebuttal” or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the immediately preceding sentence. All experts may be deposed, but such depositions must occur within the time limit for all depositions set forth below.

4. Depositions. All depositions (including any expert depositions, see item 3 above) must be completed by _____. Unless counsel agree otherwise or the Court so orders, depositions shall not commence until all parties have completed the initial disclosures required by Fed. R. Civ. P. 26(a)(1) or until four weeks from the date of this Order, whichever is earlier. Depositions shall proceed concurrently, with no party having priority, and no deposition shall extend beyond one business day without prior leave of the Court.

5. Requests to Admit. Requests to Admit, if any, must be served by _____ [insert date that is no later than 30 days prior to date of close of discovery as set forth in item 6 below].

6. All discovery is to be completed by _____. Interim deadlines for items 1–5 above may be extended by the parties on consent without application to the Court, provided the parties are certain they can still meet the discovery completion date set forth in this paragraph. The discovery completion date may be adjourned only upon a showing to the Court of extraordinary circumstances, and may not be extended on consent.

E. Post-discovery summary judgment motions in the form prescribed by the Court’s Individual Rules of Practice may be brought on without further consultation with the Court provided that a Notice of any such motion, in the form specified in the Court’s Individual Rules of Practice, is filed no later than one week following the close-of-discovery date (item D-6 above) and provided that the moving papers are served by _____, answering papers by _____, and reply papers by _____ [the last of these days being no later than six weeks following the close of discovery]. Each party must file its respective papers with the Clerk of the Court on the same date that such papers are served. Additionally, on the same date that any papers are served and filed, counsel filing and serving the papers must arrange to deliver courtesy non-electronic hard copies to the Courthouse for delivery to Chambers.

F. A final pre-trial conference, as well as oral argument on any post-discovery summary judgment motions, shall be held on _____ [date to be inserted by the Court], at which time the Court shall set a firm trial date. The timing and other requirements for the Joint Pretrial Order and/or other pre-trial submissions shall be governed by the Court’s Individual Rules of Practice.

G. All motions and applications shall be governed by Judge Rakoff’s Individual Rules of Practice. Counsel shall promptly familiarize themselves with all of the Court’s Individual Rules, as well as with the Local Rules for the United States District Court for the Southern District of New York.

SO ORDERED.

JED S. RAKOFF
U.S.D.J.

DATED: New York, New York
_____.

Trott et ano. v. Platinum Management (NY) LLC, et al.

1:18-cv-10936-JSR – Service List

Platinum Management 250 West 55 th Street, 14 th Floor New York, NY 10019	Mark Nordlicht 245 Trenor Drive New Rochelle, NY 10804
David Levy 80 Riverside Boulevard, Apt 24C New York, NY 10069	Dhruv Narain 3 Stone Bridge Road Purchase, NY 10577
Murray Huberfeld 15 Manor Lane Lawrence, NY 11559	David Bodner 16 Grosser Lane Monsey, NY 10952
Daniel Small 229 West 60 th Street, Apt. 80 New York, NY 10023	Gregg Donnenfeld 60 Spruce Dr. Roslyn, NY 11576
Joseph SanFilippo 3 Fawn View Court Freehold, NJ 07728	Twosons Corporation Mossfon Building 2 nd Floor, East 54 th Street Panama Republic of Panama c/o Patrick Belaich, Director Place Claparéde 1, CH-1205 Geneva Switzerland
Moshe Feuer 1 Beechwood Drive Lawrence, NY 11559-1704	Scott Taylor 245 Seventh Avenue, Apt 7A New York, NY 10001-7301 43 Brookwood Dr. Briarcliff Manor, NY 10510
Beechwood Capital Group, LLC 1 Beechwood Drive Lawrence, NY 11559 1370 Avenue of the Americas, 32 nd Floor New York, NY 10019	B Asset Manager L.P. 1370 Avenue of the Americas, 32 nd Floor New York, NY 10019 c/o Corporation Service Company 251 Little Falls Drive Wilmington. DE 19808
B Asset Manager II LP 1370 Avenue of the Americas, 32 nd Floor New York, NY 10019 c/o Corporation Service Company 251 Little Falls Drive Wilmington. DE 19808	Beechwood Re Investments, LLC 1370 Avenue of the Americas, 32 nd Floor New York, NY 10019 c/o Corporation Service Company 251 Little Falls Drive Wilmington. DE 19808

<p>Beechwood Re Holdings, Inc. 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p> <p>c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>	<p>Beechwood Re Ltd. 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p>
<p>Beechwood Bermuda International Ltd. 5th Floor, Andrew's Place 51 Church Street Hamilton HM 12, Bermuda</p>	<p>BAM Administrative Services LLC 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p> <p>c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>
<p>Illumin Capital Management LP c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>	<p>BRE WNIC 2013 LTC Primary 1370 Avenue of the Americas, Floor 32 New York, NY 10019</p>
<p>Estate of Uri Landesman c/o Eric R Breslin Duane Morris LLP One Riverfront Plaza 1037 Raymond Blvd., Suite 1800 Newark, NJ 07102</p>	<p>BRE WNIC 2013 LTC Sub 1370 Avenue of the Americas, Floor 32 New York, NY 10019</p>
<p>David Steinberg 358 South Parkway Clifton, NJ 07014</p> <p>25 Crescent Ave Passaic, NJ 07055</p>	<p>David Ottensoser 810 Porter Place Woodmere, NY 11598</p>
<p>Bernard Fuchs 101 Harrison St. Lawrence, NY 11559</p>	<p>Michael Nordlicht 577 Madison Avenue West Hempstead, NY 11552</p>
<p>Michael Katz 170 West 76th St., Apt. 803 New York, NY 10023</p>	<p>Kevin Cassidy 7 Killdeer Lane Nantucket, MA 02554</p>
<p>Seth Gerszberg 229 Chestnut Street Englewood, NJ 07631</p>	<p>Ezra Beren 3 Deerwood Road Spring Valley, NY 10977</p>
<p>Naftali Manela 1638 - 59th Street Brooklyn, NY 11204</p>	<p>Daniel Saks 165 Audubon Avenue, Apt. 52 New York, NY 10033</p>
<p>Platinum Partners Black Elk Opportunities Fund LLC 152 West 57th Street, 54th Floor New York, NY 10019</p>	<p>Platinum Partners Black Elk Opportunities International Fund Ltd. 152 West 57th Street, 54th Floor New York, NY 10174</p>
<p>Morris Fuchs Morris Fuchs 11090 E. 22nd Street</p>	<p>Leon Meyers 160 Lovell Road New Rochelle, NY 10804</p>

Brooklyn NY 11210	
MN Consulting NY LLC 1035 E. 27 th Street Brooklyn, NY 11210	Estate of Jules Nordlicht 255 West Beech Street Long Beach, NY 11561
Barbara Nordlicht 255 West Beach Street Long Beach, NY 11561	Estate of Solomon Englander 8 Waverly Place Lawrence, NY 11559
Estate of Gertrude Englander 8 Waverly Place Lawrence, NY 11559	Ditmas Park Capital, L.P. 1122 Coney Island Avenue, Suite 203 Brooklyn, NY 11230 c/o National Registered Agents, Inc. 160 Greentree Drive, Suite 101 Dover, DE 19904
Rockwell Fulton Capital 1122 Coney Island Avenue, Suite 203 Brooklyn, NY 11230 c/o National Registered Agents, Inc. 160 Greentree Drive, Suite 101 Dover, DE 19904	Platinum F.I. Group LLC 333 Stanley Ave Brooklyn, NY 11207 60 East 42 nd Street New York, NY 10165
FCBA Trust 1650 49 th Street Brooklyn, NY 11204	Aaron Parnes 373 Kenridge Road Lawrence, NY 11559
Sarah Parnes 373 Kenridge Road Lawrence, NY 11559	Shmuel Fuchs Foundation 101 Fulton St. Lawrence, NY 11559
Solomon Werdiger 2202 Avenue J Brooklyn, NY 11210	Olive Tree Holdings LLC 45 Broadway, 25 th Floor New York, NY 10006
Huang Lai Tsu Hsia Room 2042, 24/F Sing Pao Bldg 101 Kings Road Fortress Hill Hong Kong	Huberfeld Family Foundation 15 Manor Lane Lawrence NY 11559
Mind, Body & Soul Co., Limited 1112, Wing on Plaza 62 Mody Rd. Tsim Sha Tsui East Hong Kong	GRD Estates Ltd. 105 North Commercial Drive Vancouver BC V5L 4V7 Canada
BRe BCLIC Primary 1370 Avenue of the Americas, 32 nd Floor New York, NY 10019	BRe BCLIC Sub 1370 Avenue of the Americas, 32 nd Floor New York, NY 10019
BBIL ULICO 2014 Trust 1370 Avenue of the Americas, 32 nd Floor New York, NY 10019	BBLN-PEDCO Corp. 1370 Avenue of the Americas, 32 nd Floor New York, NY 10019 c/o Corporation Service Company 251 Little Falls Drive

	New Castle, DE 19808
BHLN-PEDCO Corp. 1370 Avenue of the Americas, 32 nd Floor New York, NY 10019 c/o Corporation Service Company 251 Little Falls Drive New Castle, DE 19808	Beechwood Trust No. 1 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801
Beechwood Trust No. 2 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801	Beechwood Trust No. 3 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801
Beechwood Trust No. 4 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801	Beechwood Trust No. 5 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801
Beechwood Trust No. 6 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801	Beechwood Trust No. 7 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801
Beechwood Trust No. 8 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801	Beechwood Trust No. 9 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801
Beechwood Trust No. 10 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801	Beechwood Trust No. 11 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801
Beechwood Trust No. 12 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801	Beechwood Trust No. 13 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801
Beechwood Trust No. 14 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801	Beechwood Trust No. 15 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801
Beechwood Trust No. 16 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801	Beechwood Trust No. 17 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801
Beechwood Trust No. 18 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801	Beechwood Trust No. 19 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801
Beechwood Trust No. 20 c/o U.S. Trust Company of Delaware 1300 Market Street Wilmington, DE 19801	Beechwood Re Investments, LLC Series A 1370 Avenue of the Americas, 32 nd Floor New York, NY 10019

<p>Beechwood Re Investments, LLC Series B 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p> <p>c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>	<p>Beechwood Re Investments, LLC Series C 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p> <p>c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>
<p>Beechwood Re Investments, LLC Series D 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p> <p>c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>	<p>Beechwood Re Investments, LLC Series E 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p> <p>c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>
<p>Beechwood Re Investments, LLC Series F 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p> <p>c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>	<p>Beechwood Re Investments, LLC Series G 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p> <p>c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>
<p>Beechwood Re Investments, LLC Series H 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p> <p>c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>	<p>Beechwood Re Investments, LLC Series I 1370 Avenue of the Americas, 32nd Floor New York, NY 10019</p> <p>c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808</p>

Effective February 13, 2017

INDIVIDUAL RULES OF PRACTICE HON. JED S. RAKOFF

Chambers

Room 1340
United States Courthouse
500 Pearl Street
New York, NY 10007
(212) 805-0401

Courtroom

Room 14-B
United States Courthouse
500 Pearl Street
New York, NY 10007
(212) 805-0129

1. Written or E-mail Communications

(a) All communications with Chambers must be by means of joint telephone calls, as described in Rule 2, infra. Correspondence with the Court (whether by letter, email, or otherwise), filing correspondence on ECF or docketing correspondence with the Clerk of Court, and copying the Court on correspondence with others, is strictly forbidden, except as specifically authorized by these rules or expressly requested by the Court. Even if the Court emails an order, opinion, or other communication to the parties, the parties may not respond by email unless the Court directs them to do so.

(b) Where specifically authorized by these rules or expressly requested by the Court, e-mail communication shall be sent to RakoffNYSChambers@nysd.uscourts.gov as .pdf attachments with copies simultaneously delivered to all counsel. Emails shall state clearly in the subject line (i) the full caption of the case, including the party names and docket number, and (ii) the

contents of the email. The beginning of the email communication must clearly state the contents and purpose of the email. Copies of correspondence between counsel shall not be sent to the Court.

2. Oral Communication; Motions and Applications

(a) No ex parte communication with Chambers is permitted, even on consent of opposing counsel, except for those limited applications in criminal cases expressly permitted by statute to be made ex parte or when counsel for a party has not yet entered a notice of appearance. Counsel for all affected parties must be on the line whenever a telephone call to Chambers is placed; however, all similarly situated parties may, if they wish, designate a "lead" counsel in advance to represent them on any such call. The Judge and/or his clerks are normally available to receive telephone calls between 9:00 a.m. - 1:00 p.m. and 2:00 p.m. - 6:00 p.m. If calling within these hours, counsel need not schedule a telephone call to Chambers in advance. Please first provide the docket number of the case when a Chambers staff member answers the telephone. If all lines are busy, the call will be transferred to voicemail. Any message left on the Chambers voicemail or with Chambers staff must include the docket number of the case and the names and telephone numbers of all participating counsel.

On calls to Chambers, parties should be prepared to state clearly and succinctly (1) the nature of their application (the relief requested of the Court); (2) the reasons for their application; and (3) whether a given application is opposed by another party.

(b) In order to bring on any contemplated motion or application of any kind whatever, excepting only a motion for admission pro hac vice (which may be filed without prior

authorization) or the ex parte criminal applications referred to above, counsel for all affected parties must jointly call Chambers in the manner prescribed above. No party will ever be denied the right to make a motion permitted by law; but if the Court determines that the matter can be resolved telephonically, it will hear the application or motion immediately and issue a ruling then or shortly thereafter (orally, or, if so requested by counsel, in writing). If, conversely, the matter requires motion papers and/or in-court argument, a schedule for same will be determined at the time of the call. In criminal cases, however, any party can demand that any non-scheduling matter brought up in a telephone conference be the subject of an in-court hearing before decision.

(c) If counsel for any party seeks to convene a call to Chambers, counsel for all other affected parties are expected to make themselves available for such a call within 24 hours of the request. If, after successive attempts, counsel for any affected party is unavailable for the call, the initiating party may then send Chambers and all affected counsel an email or a letter, not to exceed two double-spaced pages, describing the efforts made to convene a conference call and briefly describing the proposed motion or application. In such a case, per Rule 1, supra, no reply or other correspondence is permitted, but a conference with the Court will be promptly arranged. Notwithstanding these rules applicable to parties represented by counsel, if one of the parties is an incarcerated person proceeding pro se, the initiating party may send all affected counsel, the pro se party, and Chambers a letter describing the application.

(d) Where motion papers are necessary, counsel for the moving party, following the scheduling of the motion, shall file a short Notice of Motion setting forth a one-sentence description of the motion, the schedule for service and filing

of the various parties' papers, and the date and time of oral argument as set by the Court. Motion papers shall consist of moving papers, answering papers, and the moving party's reply papers (when permitted). Any legal memoranda must include a table of authorities, arranged alphabetically, with case citations including accurate pin or jump citations. Each party must file its respective papers with the Clerk of the Court on the same date that such papers are served. Additionally, counsel filing those papers must arrange to deliver courtesy hard copies to the Courthouse for delivery to Chambers by the next business day following the filing.

(e) Unless otherwise specified by the Court, any memorandum of law submitted with the moving papers or the answering papers on any motion is limited to 25 double-spaced pages, and any reply memorandum is limited to 10 double-spaced pages. Both the text and footnotes in such memoranda of law must be in 12 point type on 8½ by 11 inch paper (or the electronic equivalent), with Times New Roman type preferred. If the Court permits letter briefing in lieu of formal memoranda, the rule on font size for text and footnotes still applies. With respect to motions for summary judgment, Local Civil Rule 56.1 will be strictly enforced. Citations to the record in any memorandum of law filed in connection with a motion for summary judgment must include a citation to the party's Local Civil Rule 56.1 Statement of Material Fact or opposition thereto.

(f) All documents filed on ECF must be word-searchable to the extent reasonably practicable.

3. Initial Conferences and Civil Discovery

(a) In civil cases, an initial conference will be held no later than six weeks after filing of the Complaint (and often

earlier) regardless of whether issue has been joined. Immediately upon receipt of the Notice of Court Conference, plaintiff's counsel must furnish the Court with a courtesy copy of the Complaint.

(b) No later than three business days prior to the initial conference, the parties to a civil case must email Chambers a written report of their agreements or disagreements regarding case management and discovery and a proposed Case Management Plan in a form corresponding to the Court's Case Management Order Form (Form D). In formulating their Case Management Plan, the parties should bear in mind that all discovery and post-discovery motion practice must be completed prior to the trial-ready date set by the Court, which will appear on the Form D furnished to the parties along with the notice of the initial conference. This may not be the actual trial date, but will be the date following which the parties will not be heard to complain that they are not ready for trial. Interrogatories are strictly limited to those authorized by Local Civil Rule 33.3(a), and no deposition may extend beyond one business day without prior leave of the Court. At the initial conference, the Court will issue a binding Case Management Order that, in most cases, will require the case to be ready for trial within five months of the date thereof.

(c) In criminal cases, an initial conference with the Court will be held promptly after presentment before a Magistrate Judge. At this conference, in addition to arraignment, the Court will set a schedule for the completion of discovery and the filing of any motions. Where motions are permitted, the length and format of any memoranda of law must be in accordance with Rule 2(e), supra. The Court does not participate in the S.D.N.Y. Plan for Certain § 1983 Cases Against the City of New York.

4. **Trial-Pending Exchanges and Pretrial Orders in Civil Cases**

(a) The trial-pending exchanges among the parties mandated by Fed. R. Civ. P. 26(a)(3) shall be strictly enforced, except that the disclosures prescribed therein may be made 21 (instead of 30) days before trial.

(b) In addition, in all civil cases, the parties shall jointly file with the Court, no later than one week prior to trial, a proposed Pretrial Consent Order (plus a courtesy hard copy of same for submission to Chambers) consisting of the following items:

- (i) A joint overview of the case.
- (ii) A particularized description of each party's remaining claims, counterclaims, cross-claims, or third-party claims (failure to specify which will be deemed a waiver).
- (iii) A particularized statement of the specific facts, stipulations, admissions, and other matters on which the parties agree.
- (iv) Each party's particularized contentions as to the specific facts that are disputed. (In addition, in non-jury cases, the parties, following trial, will be required to submit proposed findings of fact, with citations to the record, and proposed conclusions of law.)
- (v) A particularized statement of the injunctive relief, declaratory relief, and/ or damages claimed (including amounts) for each claim, counterclaim, cross-claim, or third-party claim.
- (vi) A list of the names of the witnesses (both fact witnesses and expert witnesses) that each party intends to call, in the likely order of appearance.

This should be a final and binding list, without qualifications or reservations. A witness whose name appears on the list of more than one party will testify only once but may be examined at that time by all parties on all relevant matters.

(vii) A list of all exhibits to be offered by each party, and particularized objections thereto noted in accordance with Fed. R. Civ. P. 26(a)(3).

(viii) A final estimate of the length of trial (assuming a typical trial day of 9:00 a.m. to 5:00 p.m., Monday through Friday).

5. Pretrial Exchanges in Criminal Cases

Each of the parties in a criminal case must deliver to the Courthouse mailroom for delivery directly to Chambers at least three business days before trial: (a) a final and binding list of the witnesses that the party expects to call (other than the defendant), in the likely order of appearance, and (b) a list of the exhibits that the party expects to offer on its direct case.

6. Deposition Transcripts and Trial Exhibits

(a) In all civil cases, the parties shall deliver to the Courthouse mailroom for delivery directly to Chambers at least three business days before trial marked-up copies of the portions of transcripts of depositions intended to be read into evidence, with particularized objections noted thereon in accordance with Fed. R. Civ. P. 26(a)(3).

(b) In all civil and criminal trials, the parties during trial shall tender to the bench two copies of any exhibit a party seeks to offer into evidence at the same time the party hands the

original exhibit to a witness during an examination. Plaintiff's and defendant's exhibits shall both be marked by numbers (e.g., "Plaintiff's Exhibit 1," "Defendant's Exhibit 1").

(c) Parties are not required to provide the Court with copies of exhibits in advance of trial, but are expected to have all exhibits available on the morning of the start of trial.

7. Proposed Jury Charges

In all jury cases, whether civil or criminal, proposed jury charges must be submitted to the Court at least one week before trial. Any proposed jury charge submitted thereafter will not be considered by the Court, except upon a showing that the proposed charge relates to an issue that could not reasonably have been expected to arise at trial.

8. Proposed Voir Dire Requests

In all jury cases, whether civil or criminal, proposed voir dire requests must be submitted to the Court at least three business days before the start of jury selection. In both civil and criminal cases, the jury will be selected by the traditional "jury box" method.

9. Motions in Limine

Motions in limine are not a matter of right and should be largely limited to critical matters on which pre-trial rulings are critical. After a trial date is set, any party, without further leave of Court, may serve such a motion directed at limiting the proof at trial, provided the motion is served upon all parties by no later than two weeks before trial. All such

motions in limine, and any opposition thereto, must be filed with the Clerk of the Court and courtesy copies submitted to Chambers at least one week before trial. Any party referencing a proposed trial exhibit in such motion papers must submit a courtesy copy of that exhibit to the Court along with the motion papers. Such motions will normally be resolved by the Court on the morning of the first day of trial.

10. Stipulations of Settlement and Discontinuance

No adjournments will be granted on the grounds of settlement unless the parties have submitted to Chambers a stipulation or letter on behalf of all parties affirming that the case has been finally settled and that the Court may dismiss the case with prejudice. Except for good cause shown, no such stipulation shall be accepted that provides for re-opening of the case more than 30 days after dismissal or that provides for the Court to retain jurisdiction for more than 30 days following dismissal except to enforce injunctive relief.

11. Summations in Civil Cases

In all civil trials, plaintiff's counsel will sum up first, followed by defendant's counsel. Where there is only one defense summation, plaintiff's counsel will normally not be permitted a rebuttal summation except in unusual circumstances. Where there are two or more defense summations, plaintiff's counsel will normally be permitted a brief rebuttal.

12. Sentencing

Sentencing will normally take place within 90 days of the

entry of a guilty plea or finding of guilt at trial, except in the case of defendants who have entered into "cooperation agreements" with the Government. With respect to cooperating defendants, counsel will be required at the time of plea to propose a sentencing date that will give the defendant adequate opportunity to demonstrate substantial assistance and provide the Court with adequate opportunity to assess such assistance. If adopted by the Court, such sentencing date will not be further extended except upon a showing of unusual circumstances, and in no event will sentencing be adjourned beyond three years from the date of plea. Any written submission relating to any sentence must be submitted to the Court at least one week before the date of sentencing, and any response thereto must be submitted to the Court at least two business days before the date of sentencing.

13. "Brady" Disclosures

Materials and information required to be disclosed pursuant to Brady v. Maryland and its progeny ("Brady Material") - whether in written or recorded format, or otherwise - must be disclosed to defense counsel according to the following schedule:

(1) Brady Material known to the Government at the time of indictment - other than purely impeachment materials and information required to be produced pursuant to Giglio v. United States and its progeny ("Giglio Material") - must be produced to defense counsel no later than two weeks following the date of the filing of the indictment, regardless of whether the parties are engaged in plea discussions. Such Brady Material includes (simply by way of example) not only information that tends to exculpate a defendant or support a potential defense to the charged offense(s), but also information that tends to mitigate

the degree of the defendant's culpability or to mitigate punishment. Also, this requirement applies regardless of whether the Government credits the Brady Material.

(2) Brady Material (other than Giglio Material) that becomes known to the Government following filing of the indictment must be disclosed, absent exceptional circumstances, within two weeks of when it becomes known and, in any event, no later than four weeks prior to any trial or guilty plea.

(3) Absent exceptional circumstances, Giglio Material must be disclosed four weeks prior to the date of the start of trial or guilty plea. Such material includes (simply by way of example) a witness's prior inconsistent statements, written or oral; benefits given and promises made to the witness; information that tends to show that the witness has a personal motive to inculcate the defendant; and information that tends to show that the witness has a physical or mental impairment that could affect the witness's ability to perceive, recall, or recount relevant events. Giglio Material developed less than four weeks before trial (e.g., as a result of further interviews of witnesses) must be disclosed immediately.

(4) To achieve adequate compliance with the foregoing rules, the Government has a continuing obligation to seek Brady Material and Giglio Material from law enforcement and regulatory agencies that are or have been involved in the prosecution of the defendant or in parallel proceedings or investigations involving the defendant.

(5) The above time-tables, being necessary to fulfill the constitutional obligations imposed by Brady v. Maryland, Giglio v. United States, and their progeny, apply regardless of whether the Brady Material and Giglio Material also happen to be producible pursuant to the Federal Rules of Criminal Procedure or the Jencks Act and the time-tables applicable thereto.

(6) For good cause shown, the Government may seek a protective order delaying disclosure of such materials and information, but applications for such orders should only be made in exceptional circumstances.

14. Protective Orders and Filing of Documents Under Seal

(a) All parties that wish to propose a protective order must, after receiving the Court's permission in accordance with Rule 2(b), supra, submit a proposed protective order that conforms as closely as possible with the Court's Model Protective Order, which is available on the Judge's website.

(b) Unless the Protective Order approved in a case provides otherwise, parties must request the Court's permission, in accordance with Rule 2(b), supra, to file documents under seal. The Court's Model Protective Order does not provide such permission. After receiving the Court's permission, parties must file a short proposed order that permits the filing of specific documents under seal and specifies that a redacted version of those sealed documents will be filed electronically. Parties are expected to provide the Court with notice at least three business days before the relevant filing deadline if they wish to file documents under seal.

(c) When filing documents under seal, parties are expected to provide the Court with courtesy copies of the documents in accordance with Rule 2(d), supra. Additionally, the parties must submit electronic copies of the documents, without redactions, either via email sent to RakoffNYSChambers@nysd.uscourts.gov or by CD accompanying the non-electronic courtesy copies.

EXHIBIT 3

Holland & Knight

31 West 52nd St. | New York, NY 10019 | T 212.513.3200 | F 212.385.9010
Holland & Knight LLP | www.hklaw.com

Warren E. Gluck
(212) 513-3396
warren.gluck@hklaw.com

Via Email

December 8, 2018

SEE ENCLOSED SERVICE LIST

Re: *Trott et ano. v. Platinum Management (NY) LLC*, et al., No 1:18-cv-10936-JSR (S.D.N.Y.); Notice of Court Conference on December 19, 2018

To Whom It May Concern:

Holland & Knight LLP represents plaintiffs Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (the “**JOLs**”), and Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (“**PPVA**” and collectively with the JOLs, “**Plaintiffs**”).

On November 21, 2018, Plaintiffs commenced the above-referenced action by filing the complaint (the “**Complaint**”) in the United States District Court for the Southern District of New York (the “**Pending Action**”). The Pending Action has been assigned to the Hon. Jed S. Rakoff, U.S.D.J (the “**Court**”).

On December 4, 2018, the Court entered an Order (the “**Conference Order**”) setting an initial case conference to be held on **December 19, 2018 at 11:00 a.m. in Courtroom 14B, 500 Pearl Street, New York, NY 10007** (the “**Conference**”). The Conference Order states that Plaintiffs and all defendants must appear at the Conference individually or by counsel.

You are receiving this letter because you have represented a defendant named in the Pending Action. Enclosed please find a copy of the Conference Order and the attached form Civil Case Management Plan.

Please be advised that this letter and the enclosed Conference Order is not intended to and does not constitute service of the Complaint in the Pending Action, and that the Plaintiffs reserve all rights and remedies.

Page 2

To the Parties on the Enclosed Service List

If you have any questions, please do not hesitate to contact me by phone at (212) 513-3396 or via email at warren.gluck@hklaw.com.

Sincerely yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read 'W. Gluck', with a long horizontal line extending to the right from the end of the signature.

Warren E. Gluck

Enclosures

Cc: Martin Trott
Christopher Smith

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Effective January 21, 2010

NOTICE OF COURT CONFERENCE

Trott

Plaintiff(s),

18cv10936 (JSR)

-v-

Platinum Management

Defendant(s).

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC # _____
DATE FILED: 12-4-2018

To: The Attorney(s) for Plaintiff(s):

The Honorable Jed S. Rakoff, U.S.D.J. has ordered that counsel for all parties attend a conference, at the time and place fixed below, for the purpose of case management and scheduling pursuant to Fed. R. Civ. P. 16. You are directed to furnish all attorneys in this action with copies of this notice and enclosures, and to furnish Chambers with a copy of any transmittal letter(s). If you are unaware of the identity of counsel for any of the parties, you should send a copy of the notice and rules to that party personally, informing the party that any unrepresented party is required to appear at the conference in person. **Finally, upon receipt of this notice, please immediately furnish Chambers with a courtesy copy of your complaint and F.R.C.P. Rule 7.1 Statement, if applicable.**

Since this case has been designated an electronic case, by the date of the initial pretrial conference counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing and file an Notice of Appearance.

DATE AND PLACE OF CONFERENCE: 12-19-2018, AT THE UNITED STATES COURTHOUSE, 500 PEARL STREET, NEW YORK, N.Y. IN COURTROOM 14-B AT 11:00

No application for adjournment will be considered unless made within one week of the date of this notice. The fact that any party has not answered the complaint does not excuse attendance by that party or warrant any adjournment of the conference.

No later than one week prior to the conference, the parties shall furnish the Court with a written report of their agreements or disagreements regarding planning of discovery pursuant to Fed. R. Civ. P. 26(f). Enclosed is a form (Form D) for a Case Management Plan that the parties may utilize in making this report. In the absence of agreement, the Court, after hearing from counsel, will order a Case Management Plan and schedule at the conference. Absent extraordinary circumstances, the Plan shall provide that the case be ready for trial within five months of the date of the conference.

In addition to the matters covered in Form D, counsel should also be prepared to address at the conference the factual and legal bases for their claims or defenses, any issue as to subject matter jurisdiction, and any other issue relevant to case management.

SO ORDERED.

S/ Jed S. Rakoff

JED S. RAKOFF
U.S.D.J.

DATED: New York, New York
December 4, 2018

Revised Form D—For cases assigned to Judge Rakoff

Effective September 10, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

Trott

Plaintiff(s),

CIVIL CASE MANAGEMENT PLAN
(JUDGE RAKOFF)

-v-

18cv10936 (JSR)

Platinum Management

Defendant(s).

----- x

**This Court requires that this case shall be ready for trial on
5-20-2019.**

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

- A. The case (is) (is not) to be tried to a jury. [Circle as appropriate]
- B. Joinder of additional parties must be accomplished by _____.
- C. Amended pleadings may be filed without leave of Court until _____.
- D. Discovery (in addition to the disclosures required by Fed. R. Civ. P. 26(a)):
 - 1. Documents. First request for production of documents, if any, must be served by _____ . Further document requests may be served as required, but no document request may be served later than 30 days prior to the date of the close of discovery as set forth in item 6 below.
 - 2. Interrogatories. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York must be served by _____. No other interrogatories are permitted except upon prior express permission of Judge Rakoff. No Rule 33.3(a) interrogatories need be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).
 - 3. Experts. Every party-proponent of a claim (including any counterclaim, cross-claim, or third-party claim) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by _____. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by _____. No expert testimony (whether designated as “rebuttal” or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the immediately preceding sentence. All experts may be deposed, but such depositions must occur within the time limit for all depositions set forth below.

4. Depositions. All depositions (including any expert depositions, see item 3 above) must be completed by _____. Unless counsel agree otherwise or the Court so orders, depositions shall not commence until all parties have completed the initial disclosures required by Fed. R. Civ. P. 26(a)(1) or until four weeks from the date of this Order, whichever is earlier. Depositions shall proceed concurrently, with no party having priority, and no deposition shall extend beyond one business day without prior leave of the Court.

5. Requests to Admit. Requests to Admit, if any, must be served by _____ [insert date that is no later than 30 days prior to date of close of discovery as set forth in item 6 below].

6. All discovery is to be completed by _____. Interim deadlines for items 1–5 above may be extended by the parties on consent without application to the Court, provided the parties are certain they can still meet the discovery completion date set forth in this paragraph. The discovery completion date may be adjourned only upon a showing to the Court of extraordinary circumstances, and may not be extended on consent.

E. Post-discovery summary judgment motions in the form prescribed by the Court’s Individual Rules of Practice may be brought on without further consultation with the Court provided that a Notice of any such motion, in the form specified in the Court’s Individual Rules of Practice, is filed no later than one week following the close-of-discovery date (item D-6 above) and provided that the moving papers are served by _____, answering papers by _____, and reply papers by _____ [the last of these days being no later than six weeks following the close of discovery]. Each party must file its respective papers with the Clerk of the Court on the same date that such papers are served. Additionally, on the same date that any papers are served and filed, counsel filing and serving the papers must arrange to deliver courtesy non-electronic hard copies to the Courthouse for delivery to Chambers.

F. A final pre-trial conference, as well as oral argument on any post-discovery summary judgment motions, shall be held on _____ [date to be inserted by the Court], at which time the Court shall set a firm trial date. The timing and other requirements for the Joint Pretrial Order and/or other pre-trial submissions shall be governed by the Court’s Individual Rules of Practice.

G. All motions and applications shall be governed by Judge Rakoff’s Individual Rules of Practice. Counsel shall promptly familiarize themselves with all of the Court’s Individual Rules, as well as with the Local Rules for the United States District Court for the Southern District of New York.

SO ORDERED.

JED S. RAKOFF
U.S.D.J.

DATED: New York, New York
_____.

<p>Daniel R. Koffmann William A. Burck Quinn Emanuel Urquhart & Sullivan 51 Madison Ave, 22nd Floor New York, NY 10010 212-849-7000 danielkoffmann@quinnemanuel.com williamburck@quinnemanuel.com</p>	<p>Ronald S. Sullivan Ronald Sullivan Law 712 H Street, Suite 1354 Washington, DC 20002 (202) 873-9120 rsullivan@rsullivanlaw.com</p>
<p>Jose A. Baez The Baez Law Firm 40 SW 13th St., Suite 901 Miami, FL 33130 (305) 999-5100 jose@baezlawfirm.com</p>	<p>Lisabeth Fryer Lisabeth J. Fryer, P.A. 250 International Parkway, Suite 134 Lake Mary, FL 32746 (407) 960-2671 lisabeth@lisabethfryer.com</p>
<p>Eli B. Richlin Katherine T. McCarthy Michael S. Sommer Monica A. Friedman Morris J. Fodeman Jae Y. Jeong Wilson Sonsini Goodrich & Rosati PC 1301 Avenue Of The Americas , 40th Floor New York, NY 10019 212-999-5800 erichlin@wsgr.com kmccarthy@wsgr.com msommer@wsgr.com mfriedman@wsgr.com mfodeman@wsgr.com ajeong@wsgr.com</p>	<p>Gerald L. Shargel Winston & Strawn LLP 200 Park Avenue New York, NY 10166 212-294-2637 gshargel@winston.com</p>
<p>Alan S. Futerfas Law Offices of Alan S. Futerfas 565 Fifth Avenue, 7th Floor New York, NY 10016 212-684-8400 asfuterfas@futerfaslaw.com</p>	<p>Evan L. Lipton Henry E. Mazurek Meister Seelig & Fein LLP 125 Park Avenue, 7th fl. New York, NY 10017 212-655-3500 evan@mazureklipton.com hem@msf-law.com</p>
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