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Attorneys for Defendant David Bodner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: IN RE PLATINUM-BEECHWOOD LITIGATION, : No. 18 Civ. 6658 (JSR)
: :
----- X
: 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, *et al.*, :
: :
: Defendants. :
: :
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**NOTICE OF MOTION BY DEFENDANT DAVID BODNER TO DISMISS
THE NON-NAV CLAIMS IN THE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, defendant David Bodner, by and through his undersigned attorneys, hereby moves this Court in the above-captioned action before the Honorable Jed S. Rakoff, United States District Judge for the Southern District of New York at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14B, New York, New York 10007, for an order dismissing the Second Amended Complaint (ECF No. 285) of the Joint Official Liquidators of Platinum Partners Value Arbitrage Fund LP (“PPVA”) to the extent it charges Bodner with conduct other than the alleged misstatements of PPVA’s net asset value (“NAV”) in accordance with this Court’s Opinion dated April 11, 2019 and pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted (the “Motion”).

In accordance with Rule 2(d) of the Individual Rules of Practice before this Court, Bodner respectfully sets forth the following:

1. Plaintiffs’ opposition to the Motion shall be filed on or before May 13, 2019;
2. Reply memoranda shall be filed on or before May 23, 2019; and
3. Argument on this Motion will be heard on June 4, 2019 at 10:00 a.m.

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Dated: April 22, 2019
New York, New York

Respectfully submitted,

CURTIS, MALLET-PREVOST,
COLT & MOSLE LLP

By: /s/ Eliot Lauer

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