

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD LITIGATION

Master Docket No. 1:18-cv-06658-JSR

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),

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

Plaintiffs,

-v-

PLATINUM MANAGEMENT (NY) LLC,  
et al.,

Defendants.

**DEFENDANT MURRAY HUBERFELD'S REPLY MEMORANDUM OF LAW  
IN FURTHER SUPPORT OF HIS MOTION TO DISMISS THE  
SECOND AMENDED COMPLAINT**

Defendant Murray Huberfeld ("Huberfeld") respectfully submits this reply memorandum of law in further support of his motion (the "Motion") to dismiss the Second Amended Complaint (the "SAC") pursuant to Federal Rules of Civil Procedure Rule 12(b)(6) for failure to state a claim upon which relief may be granted.

Huberfeld, by joinder with the motion of Defendant David Bodner, has moved to dismiss the SAC to the extent that it asserts claims of transactional conduct against Huberfeld, either as a primary or secondary actor, for failing to satisfy Rule 9(b). For the reasons set forth in the opening and reply memoranda of law of Bodner and other similarly situated Moving Defendants, Plaintiffs'

claims charging Huberfeld with conduct other than the alleged misstatements of PPVA's net asset value should be dismissed with prejudice.

Date: May 23, 2019

Respectfully submitted,

/s/ Jeffrey C. Daniels  
Jeffrey C. Daniels, Esq.  
Of Counsel to Horowitz and Rubenstein, LLC  
4 Carren Circle  
Huntington, NY 11743  
Tel: (516) 745-5430  
jdaniels@cdpc.com