

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

PLATINUM-BEECHWOOD LITIGATION.

Civil Action No. 18-cv-6658 (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),

Civil Action No. 18-cv-10936 (JSR)

Plaintiffs,

- against -

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

Defendants.

**REQUEST FOR CLERK'S CERTIFICATE OF DEFAULT**

To: Clerk of Court  
United States District Court  
Southern District of New York

Plaintiff Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation), and for Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation), by and through their attorneys Holland & Knight LLP, respectfully request that the Clerk of the Court issue a Certificate of Default against Defendant Ezra Beren for failure to plead or otherwise defend this action.

This request is made pursuant to Federal Rule of Civil Procedure 55(a), and Local Civil Rule 55.1, and is supported by the Declaration of Warren E. Gluck, dated July 18, 2019, submitted herewith.

Dated: New York, New York  
July 18, 2019

HOLLAND & KNIGHT LLP

By: /s/Warren E. Gluck  
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Christopher Smith, as Joint Official Liquidators and  
Foreign Representatives of Platinum Partners  
Value Arbitrage Fund L.P. (in Official Liquidation),  
and for Platinum Partners Value Arbitrage Fund  
L.P. (in Official Liquidation)*

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SOUTHERN DISTRICT OF NEW YORK**

In re:

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ARBITRAGE FUND L.P. (in Official Liquidation),

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Plaintiffs,

- against -

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

Defendants.

**[PROPOSED] CLERK'S CERTIFICATE OF DEFAULT**

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on November 21, 2018 when Plaintiffs Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation), and for Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (together, "Plaintiffs"), filed a Summons and Complaint in the action captioned *Trott v. Platinum Management (NY) LLC, et al.*, No. 1:18-cv-10936 (JSR) (the "Trott Action"), against, among others, Defendant Ezra Beren ("Beren").

After the consolidation of the Trott Action with the related action captioned *In re Platinum-Beechwood Litigation*, No. 18-cv-6658 (JSR) (Dkt. 158) (together with the Trott Action, the "Consolidated Actions"), Plaintiffs filed a Second Amended Complaint in the Consolidated

Actions (together with the Summons and the exhibits, the "SAC"); retroactive to March 29, 2019. Consolidated Actions, Dkt. 226; Trott Action, Dkt. 291.

On June 25, 2019, Plaintiffs personally served an individual at what publicly available information indicated to be Beren's residence. Consolidated Actions, Dkt. 554; Trott Action, Dkt. 434. The person refused to give her name. *Id.* On June 26, 2019, Plaintiffs served the SAC on Beren by United States Postal Service Priority Mail. *Id.*

The time within which Beren may have answered or otherwise appear in this action expired on July 16, 2019, and such time has not been extended by any stipulation of the parties or any order of the Court.

I further certify that the docket entries indicate Beren has not appeared or otherwise moved with respect to the SAC. The default of Defendant Ezra Beren is hereby noted.

Dated: \_\_\_\_\_, 2019

**RUBY J. KRAJICK**  
Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk