

**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.

**DECLARATION IN SUPPORT OF REQUEST FOR CERTIFICATE OF DEFAULT**

WARREN E. GLUCK, declares under penalty of perjury, in accordance with the provisions of 28 U.S.C. § 1746, as follows:

1. I am a partner at Holland & Knight LLP, attorneys for 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"), in the above-captioned actions, and respectfully submit this Declaration in Support of Plaintiffs' request, pursuant to Local Civil Rule 55.1, that the Clerk of the Court issued a Certificate of Default for Defendant Ezra Beren ("Beren"). Beren is not an infant, in the military or an incompetent person.

2. On November 21, 2018, 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, Beren. Trott Action, Dkt. 1.

3. After the consolidation of the Trott Action with the related actions 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 exhibits, the “SAC”), retroactive to March 29, 2019. Consolidated Actions, Dkt. 226; Trott Action, Dkt. 291.

4. 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.*

5. Beren has failed to plead or otherwise defend in the Trott Action and the Consolidated Actions. The time within which Beren may answer, plead or otherwise defend 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.

WHEREFORE, Plaintiff respectfully requests that the application for entry of default against Ezra Beren be granted.

Dated: New York, New York  
July 18, 2019

/s/Warren E. Gluck  
Warren E. Gluck

**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.

**[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