

**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.*, 1:18-cv-10936 (JSR) (the “Trott Action”), against, among others, Beren. Trott Action, Dkt. 1. A copy of the summons and complaint was served on Beren, by personally serving John Doe, on December 27, 2018, and proof of service was therefore filed on January 22, 2019. *See* Trott Action, Dkt. 121.

3. On January 25, 2019, Plaintiffs filed a First Amended Complaint in the Trott Action against, among others, Beren. *See* Trott Action, Dkt. 159. A copy of the summons and the First Amended Complaint was served on Beren, by personally serving Jane Doe, co-occupant on February 6, 2019, and proof of service was therefore filed on February 20, 2019. *See* Trott Action, Dkt. 250.

4. After the consolidation Order of the Trott Action (Dkt. 158) with the related actions captioned *In re Platinum-Beechwood Litigation*, 18-cv-6658 (JSR) (Dkt. 94) (together with the Trott Action, the “Consolidated Actions”), Plaintiffs filed a Second Amended Complaint on March 29, 2019 in the Trott Action, and in the Consolidated Action, retroactive to March 29, 2019, on April 11, 2019. *See* Trott Action, Dkt. 285; Consolidated Actions, Dkt. 226.

5. On June 25, 2019, a copy of the summons and the Second Amended Complaint in the Consolidated Actions was served on Beren, by personally serving Jane Doe, co-occupant at Beren’s residence, and proof of service was therefore filed on July 15, 2019. *See* Trott Action Dkt., 434; Consolidated Actions, Dkt. 554. The person refused to give her name. *Id.*

6. In addition, on June 26, 2019, Plaintiffs served the summons and Second Amended Complaint in the Consolidated Actions on Beren by United States Postal Service Priority Mail. *See* Trott Action Dkt. 434; Consolidated Actions, Dkt. 554.

7. 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 24, 2019

Respectfully Submitted,

/s/Warren E. Gluck
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