

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
CASE #:
FILED: 10/16/19

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.

ORDER

**NOTICE OF REQUEST FOR VACATUR OF CERTIFICATE OF DEFAULT
AND WITHDRAWAL OF MOTION FOR A DEFAULT JUDGMENT
AGAINST DEFENDANT EZRA BEREN**

WHEREAS, on July 24, 2019, pursuant to Local Civil Rule 55.1, 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 Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (together, "**Plaintiffs**") requested that the Clerk of this Court enter a Certificate of Default (the "**Certificate**") against Defendant Ezra Beren ("**Beren**") in the above-captioned actions (Doc. 569, 440);

WHEREAS, on July 25, 2019, the Clerk of the Court issued the Certificate noting the default of Beren (Doc. 570, 441);

WHEREAS, on September 30, 2019, pursuant to Federal Rule of Civil Procedure 55 and Local Civil Rule 55, Plaintiffs moved for a default judgment against Beren (the “**Motion**”) (Doc. 646, 462);

WHEREAS, on October 4, 2019, Beren filed a Motion to Vacate the Default and Cross-motion to Vacate Clerk’s Certificate of Default in the action captioned *Trott, et ano. v. Platinum Management (NY) LLC*, No. 1:18-cv-10936-JSR (S.D.N.Y.), together with supporting declarations of Ezra Beren, Jonathan Beren, Denise Beren, Tammy Beren, and S. Christopher Provenzano (Doc. 468-474); and

WHEREAS, based upon Beren’s agreement to accept service of the Second Amended Complaint in these action (Doc. 226, 285) as of October 7, 2019, Plaintiffs have agreed to request that the Certificate be vacated and to withdraw the Motion.

UPON THE FOREGOING PREMISES, Plaintiffs hereby respectfully request that the Clerk of the Court vacate the Certificate of Default and Plaintiffs hereby withdraw the Motion for a Default Judgment, both without prejudice.

Dated: New York, New York
October 7, 2019

HOLLAND & KNIGHT LLP

By: Barbra R. Parlin
Barbra R. Parlin, Esq.

Barbra R. Parlin, Esq.
Warren E. Gluck, Esq.
John L. Brownlee, Esq. (*pro hac vice*)
Richard A. Bixter Jr., Esq. (*pro hac vice*)
HOLLAND & KNIGHT LLP
31 West 52nd Street
New York, New York 10019
Telephone: 212-513-3200
Facsimile: 212-385-9010
Email: barbra.parlin@hklaw.com
warren.gluck@hklaw.com
john.brownlee@hklaw.com
richard.bixter@hklaw.com

*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)*

SO ORDERED

John S. P. J.
JSPJ
10-16-19