

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD LITIGATION,

Civil Action 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),

Civil Action No.
1:18-cv-10936 (JSR)

Plaintiffs,

v.

PLATINUM MANAGEMENT (NY) LLC, et al.,

Defendants.

USDC SDNY
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 **PROPOSED ORDER**

WHEREAS, on March 29, 2019, 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 Second Amended Complaint in the above-captioned actions (collectively, the “Actions”) (Dkt. 226);

WHEREAS, on August 8, 2019, the Court issued an Order requiring that “[a]ll discovery of any kind whatsoever – including document production ... must be completed by December 31, 2019” (Dkt. 375);

WHEREAS, on November 20, 2019, Plaintiffs issued, pursuant to Fed. R. Civ. P. 45, an amended Subpoena To Produce Documents, Information, or Objects, or to Permit Inspection of

Premises in a Civil Action (the “Subpoena”) to non-party Moshe Oratz (“Oratz”) no later than November 20, 2019;

WHEREAS, the Subpoena requested thirteen categories of documents from Oratz;

WHEREAS, the Plaintiffs have narrowed their request to Oratz to produce documents solely concerning: (1) transactions between him and entities related to Defendant David Bodner (Request No. 4); and (2) transactions between him and Defendant The Huberfeld Family Foundation (“HFF”) (Request No. 5), such transactions which include, but are not limited to, loans from HFF to Oratz;

WHEREAS, on November 17, 2019, Plaintiffs successfully served Oratz with the Subpoena;

WHEREAS, after Oratz did not produce documents requested in the Subpoena by the deadline set forth therein, on December 11, 2019, counsel for the Plaintiffs, and Oratz, conferred with the Court to resolve the discovery dispute; and


WHEREAS, on December 11, 2019, via email to the Plaintiffs’ counsel and Oratz, the Court issued an Order: (1) directing Oratz to produce all documents responsive to Plaintiffs’ revised document requests no later than December 13, 2019; and (2) requiring Oratz, in the event he did have responsive documents in his possession, custody, or control, to submit a sworn affidavit to this effect no later than December 13, 2019.

IT IS HEREBY ORDERED that, no later than December 13, 2019, Oratz shall produce documents responsive to the modified requests as set forth in the Subpoena; and

IT IS HEREBY FURTHER ORDERED that, no later than December 13, 2019, in the event that Oratz does not have documents responsive to the modified requests as set forth in the Subpoena, Oratz shall submit a sworn affidavit to this effect.

Dated: December 12, 2019

SO ORDERED:



HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE