

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X

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), :

Plaintiffs, :

-v- :

PLATINUM MANAGEMENT (NY) LLC, ET AL., :

Defendants. :

-----X

Case No.: 18-cv-10936 (JSR)

**NOTICE OF DEFENDANT’S, SETH
GERSZBERG, MOTION FOR
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 56(c) and Local Civil Rule 56.1, and upon the accompanying memorandum of law, the statement of material facts, the supporting declaration and exhibits attached thereto, and such further materials as may be submitted thereof, Defendant Seth Gerszberg (“Defendant”), by and through his undersigned Counsel, hereby moves this Court, before the Honorable Jed S. Rakoff, United States District Judge for the Southern District of New York, at Courtroom 14B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, for summary judgment in his favor, and against Plaintiff, and dismissing Plaintiffs’ Second Amended Complaint with prejudice.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court Order dated December 23, 2019, any answering papers shall be served no later than March 6, 2020, and any reply memoranda of law shall be served no later than March 13, 2020.

Dated: New York, New York
February 14, 2020

s/ Elliot D. Ostrove

Elliot D. Ostrove
EPSTEIN OSTROVE, LLC 200
Metroplex Drive, Suite 304
Edison, New Jersey 08817

and

43 West 43rd Street, Suite 139
New York, NY 10036
Telephone: 646-300-8600
Attorneys for Defendant
Seth Gerszberg