

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD LITIGATION

Master Docket 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),

Case No. 1:18-cv-10936-JSR

Plaintiffs,

NOTICE OF MOTION

-v-

PLATINUM MANAGEMENT (NY) LLC,
et al.,

Defendants.

PLEASE TAKE NOTICE that Defendant Murray Huberfeld, upon the accompanying Declaration of Jeffrey C. Daniels, dated May 19, 2020, and the exhibit annexed thereto, his Memorandum of Law, and upon all other papers and prior proceedings had herein, will move, by and through his undersigned counsel, before the Honorable Jed S. Rakoff, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., Courtroom 14B, New York, New York 10007, at such date as the Court will determine, for an Order excluding from trial the November 14, 2019 report (and concomitant testimony) of Plaintiffs Martin Trott and Christopher Smith, as the 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.'s (in Official Liquidation) proposed expert Bill Post, pursuant to Federal Rule of Evidence 702 and 403, and *Daubert v. Morrell Dow Pharm., Inc.*, 509 U.S. 579 (1993).

PLEASE TAKE FURTHER NOTICE that Defendant Huberfeld also joins in the *Daubert* motions to exclude the testimony of any other expert witness filed by any of the other remaining defendants in this action.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 2(d) of the Individual Rules of Practice before this Court, Huberfeld respectfully sets forth:

- Plaintiffs must file their answering papers (if any) by June 2, 2020;
- Defendants must file their reply papers (if any) by June 9, 2020;
- Oral argument on the parties' *Daubert* motions shall be heard on June 18, 2020 at 3:30pm.

Dated: New York, New York
May 19, 2020

Respectfully submitted,

/s/ Jeffrey C. Daniels
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To (via ECF): All counsel of record