

**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.

2. I respectfully submit this Declaration in Support of Plaintiffs’ request, pursuant to Federal Rule of Civil Procedure 55(a) and Local Civil Rule 55.1, that the Clerk of the Court issue a Certificate of Default for Defendant Platinum Management (NY) LLC (“Platinum Management”). Platinum Management is not an infant, in the military, or an incompetent person.

3. 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”). Trott Action, ECF No. 1. A copy of the summons and complaint was personally served on Platinum Management via its registered agent for service, on December 27, 2018, and proof of service was therefore filed on January 22, 2019. *See* Trott Action, ECF No. 140.

4. On January 25, 2019, Plaintiffs filed a First Amended Complaint in the Trott Action against, among others, Platinum Management. *See* Trott Action, ECF No. 159.

5. On February 25, 2019, Saul E. Feder, Esq. (“Feder”) filed a Notice of Appearance on behalf of Platinum Management. *See* Trott Action, ECF No. 225.

6. After the Court issued an order consolidating the Trott Action with the related actions captioned *In re Platinum-Beechwood Litigation*, 18-cv-6658 (JSR) (ECF No. 94) (together with the Trott Action, the “Consolidated Actions”), Plaintiffs filed a Second Amended Complaint (“SAC”) against, among others, Platinum Management on April 11, 2019. *See* Consolidated Actions, ECF No. 226.

7. Platinum Management was served with the SAC via an email sent on April 11, 2019 by the Court’s Electronic Case Filing System to Feder.

8. On August, 25, 2020, Platinum Management filed a motion seeking Feder’s withdrawal as counsel for Platinum Management (the “Motion to Withdraw”). *See* Trott Action, ECF No. 652.

9. Also on August 25, 2020, on a teleconference involving counsel for Plaintiffs, Feder, and others, the Court instructed Plaintiffs to move for a default of Platinum Management no later than September 11, 2020.

10. On August 28, 2020, the Court granted the Motion to Withdraw and relieved Feder as counsel for Platinum Management. *See* Trott Action, ECF No. 656, Consolidated Actions, ECF No. 905.

11. Platinum Management has failed to plead or otherwise defend in the Trott Action or the Consolidated Actions. The time within which Platinum Management may answer, plead or otherwise defend this action expired on April 22, 2019, and such time has not been extended by any stipulation of the parties or any order of the Court.

WHEREFORE, Plaintiffs respectfully request that the Court issued the proposed Certificate of Default against Platinum Management submitted herewith.

Dated: New York, New York
September 11, 2020

By: /s/ Warren E. Gluck, Esq.