

**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, and respectfully submit this Declaration in Support of Plaintiffs’ request, pursuant to Local Civil Rule 55.1, that the Clerk of the Court issued a Certificate of Default for Defendant Beechwood Trust No. 5 (the “Beechwood Trust”). The Beechwood Trust is not an infant, nor in the military, nor an incompetent person.

2. On November 21, 2018, Plaintiffs commenced the Action with the filing of the Summons and Complaint naming Beechwood Trust, among others, as a defendant, in the action captioned *Trott, et ano. v. Platinum Management (NY) LLC, et al.*, No. 18-cv-10936 (JSR) (the “Trott Action”). ECF No. 1.

3. After the consolidation of the Trott Action with the related actions captioned *In re Platinum-Beechwood Litigation*, No. 18-cv-6658 (JSR) (the “Consolidated Actions”), on April 11, 2019, Plaintiffs filed the operative Second Amended Complaint in this Court naming the Beechwood Trust, among others, as a defendant, which the Court considered filed retroactive to March 29, 2019. *See* Trott Action, ECF No. 285; Consolidated Actions, ECF Nos. 226, 228.

4. On April 18, 2019, Plaintiffs served a copy of the Second Amended Complaint on the Beechwood Trust via Bryce Alves, an employee its trustee, Brad Shalit, Esq., Connell Foley LLP, 85 Livingston Street, Roseland, New Jersey 07068, and proof of service was thereafter filed on May 16, 2019. Trott Action, ECF No. 364.

5. The Beechwood Trust has failed to plead or otherwise defend in neither the Trott Action nor the Consolidated Actions. The time which the Beechwood Trust may answer, plead or otherwise defend both the Trott Action and the Consolidated Actions has expired and such time has not been extended by any stipulation of the parties or order of the Court.

WHEREFORE, Plaintiff respectfully requests that the application for entry of default against the Beechwood Trust No. 5 be granted.

Dated: New York, New York
March 8, 2022

/s Warren E. Gluck